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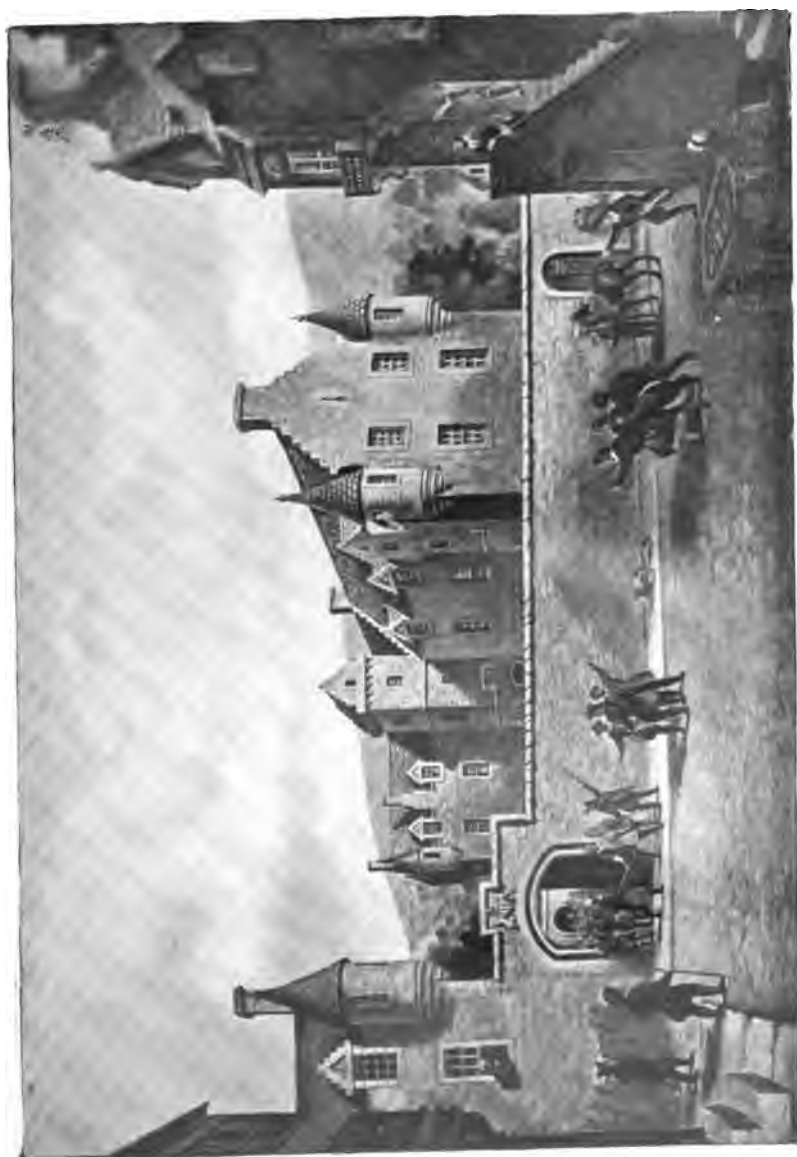












*Frontispiece*

COWRIE HOUSE AS IT WAS IN 1600

# THE ANCIENT CAPITAL OF SCOTLAND

The Story of Perth from the Invasion of  
Agricola to the Passing of the Reform Bill

BY

SAMUEL COWAN, J.P.

Author of 'The Story of Perth', 'The Story of the Perth Conspiracy', etc.

IN TWO VOLS.

VOL. II.

NEW DEER  
JAMES POTT & CO.

1904

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GOWRIE HOUSE AS IT WAS IN 1600

Edinburgh, 1840

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# HISTORY

OF THE

## ANCIENT CAPITAL OF SCOTLAND

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The Raid of Ruthven, 1582—Capture and Execution of William, first Earl of Gowrie—List of the Ruthven Raiders—Kidnapping of John Anderson in Blackfriars Burying-Ground—Ruthven captures him, and loses him—The Bloody Roll of the Burgh, 1556-1580—The Cautioners Roll; the Horners' Roll; the Justice Roll—Roll of Transgressors for 1630, cited for dishonest trading—Coroner-ship of the Sheriffdom of Perth—Remarkable quarrel of 1586, Perth and Dundee—Magistrates of both summoned before the King—Dundee Magistrates personally deforce the Perth Sheriff-Officer—Masters of the Hospital summoned before Privy Council—Magistrates burn Gasconhall House at night, and carry off the landlord in his shirt—Six of the Council imprisoned in Blackness Castle—Lindsay of Kinfauns seizes Pitfour Castle, expels the Family, and takes possession—Robert Martin kidnapped by the Magistrates—Thirty-four men at night eject an Abercairny tenant, and take possession of everything—Bruce of Gasconhall kidnaps two Councillors, and has them stripped and whipped—John Welsh, the King, and the Devil—Courts of Justice to be removed to Perth.

#### THE RAID OF RUTHVEN, 1582.

THIS extraordinary event in Scottish history occurred at Ruthven Castle, in the neighbourhood of Perth. It was devised by five notable rebels, all of whom were already quite experienced in framing

plots to dethrone their Sovereign. These were William Ruthven, first Earl of Gowrie and Provost of Perth, whose two sons were afterwards slain at the Gowrie Conspiracy. His father led the conspirators at the Riccio murder, and he himself was the ruffian, who, along with Lindsay, committed the outrage on Queen Mary at Lochleven, by forcing themselves into her bedroom and compelling her to sign her abdication. The other four were this same Lindsay, the Earl of Mar, the Master of Glamis, and the notorious Archibald Douglas, who was one of the murderers of Darnley. The condition of the Kingdom at this period was far from satisfactory. Plots and conspiracies were quite common, and the worst feature of all was the total want of integrity which characterised the actions of nearly all the public men of the time. Keeping this in view, the following narrative will be better understood. The King (James VI.) was a boy of sixteen years of age, and it was of great importance to these men that they should have him under control, and so direct the administration of the Kingdom. Among the various factions, the possession of the King's person was the goal. The Ruthven lords—those who were concerned in the Raid—were second to none for cunning and craftiness; and the King, who it would appear was living at Stirling Castle with the Regent Morton, was invited by Gowrie to come over to Ruthven and enjoy a few days' hunting, of which he, the King, was passionately fond. The King was under the guardianship of the Earls of Lennox and Arran. He accepted the invitation, and duly arrived at Ruthven Castle. It would appear that Lennox, for some reason, suspected that a conspiracy was on the *tapis*, and the Ruthven lords,

hearing of this, hastened their proceedings, and immediately assembled 1,000 men and surrounded Ruthven Castle, with the view of securing the King's person. Gowrie and Mar thereupon entered the King's chamber, removed his guards, presented a list of their grievances, which they demanded should be redressed, while they had taken precautions against all possibility of his escape. The Earl of Arran, who was residing at Kinneil Castle, Bo'ness, hearing of this startling event, proceeded at once, in company with his brother Colonel Stewart, and a party of horse to the release of the King. They were attacked and defeated by Mar and Archibald Douglas, and Arran, it is said, was seized as a prisoner. The King next morning resolved to leave, but Glamis intimated to him that he was to remain at Ruthven. The King declared he would go that instant, but Glamis rudely interposed, and, placing his leg before the King so as to intercept the doorway, commanded him to remain. The King began to weep, at which Glamis said, "Better children weep than bearded men." The Ruthven lords thereafter accompanied the King to Stirling Castle, where they kept him in captivity for ten months. The King's external position was not that of a prisoner. He went about as a monarch, attended by a large train of well-armed followers. He went almost immediately to Perth, thence in a few days to Stirling, where he abode until the 8th October, when he passed on to Holyrood and held a Parliament.<sup>1</sup> The conspirators posed as Protestants, and this had the effect of attaching to their interest the Presbyterian clergy, who warmly espoused their cause, and could see nothing wrong in what they did.

<sup>1</sup> Hill Burton.

The conspirators immediately compelled the King to issue a proclamation in which he declared he was a free monarch and preferred to remain at Stirling. Lord Herries and the Abbot of Newbattle went to Stirling to ascertain the reason of Gowrie's conduct and to see whether the King was a prisoner. They were not permitted to see him alone, but they saw him in the Council Chamber. They stated their object, and said if the King was a prisoner it was their duty to set him free. Before Gowrie could reply, the King started from his seat, and said it was all true. He was a prisoner and not at liberty to move a step without a guard. Gowrie defended his position, and returned a menacing answer to Lennox, who sent the envoys. What Gowrie's grievances were, if he had any, is certainly not clear. Some suppose that because the King was an Episcopalian, Gowrie was determined to bring him over to the Presbyterian party, and that the Raid of Ruthven had this end in view; but this we cannot accept. It is more probable that Gowrie was thirsting for power, and that his aim was the Regency. This incident is pretty fully referred to by various historians, and it would therefore be superfluous to reproduce the details here. There is one point, however, which historians have generally overlooked, and that is, the character of those who joined the five conspirators we have named for the purpose of committing so treasonable an act as the seizure of the King. He was too young to control them, and they therefore controlled him. Living, as we do, under the most enlightened Government in the world, we do not fully appreciate the situation of 1582, when the Scottish Kingdom was shaken to its foundations by a spirit of rebellion

and insubordination that marked the attitude of the Scottish nobility, and induced them to do many things that tended to insecurity, and seriously affected the safety of life and the peace of the realm. The Raid of Ruthven was a deliberate and skilfully conceived plot, and we are indebted to the Privy Council Register for a list of those who directed it, and who signed the bond for its due performance.

The originators of the Raid, who signed the Secret Bond, were: Earls of Gowrie, Glencairn, March, and Bothwell (Francis Stewart); Lords Hume, Lindsay, and Boyd; the Bishop of Orkney; the Abbots of Cambuskenneth, Dryburgh, Dunfermline, Inchaffray, and Paisley; Thomas Lyon, Master of Glamis; Laurence, Master of Oliphant; Sir Lewis Bellenden, Justice Clerk; Sir James Hume, of Cowden Knowes; George Hume, of Wedderburn; George Hume of Broxmouth; Alexander Hume, of North Berwick; Alexander Hume, of Hattonhall; Alexander Hume, of Manderston; George Hume, of Spot; John Cunningham, of Drumwhassel; William Douglas, of Lochleven; William Douglas, of Whittinghame; Robert Colville, of Cleish; James Colville, of Easter Wemyss; Sir Walter Ker, of Cessford; Andrew Ker, of Fawdonside; John Cockburn, of Ormiston; John Cockburn, of Clerkington; George Brown, of Coalston; Patrick Hepburn, of Whitcastle; Henry Ogle, of Hartwood; James Rigg, of Carberry; James Richardson, of Smeaton; William Wauchope, of Niddry; James Fowlis, of Colinton; Patrick Monypenny, of Pilrig; Robert Fairlie, of Braid; the Lairds of Dalmahoy, Inverwick and Elphinstone; James Haliburton, Provost of Dundee. The plot



was thus a regularly conceived and deliberate plan to carry out a treasonable scheme.

The King, it would appear, becoming weary of his captivity, did everything in his power to organise a plan for his release. He was materially assisted in this by Mondinville, the French Ambassador, who eventually formed a plot for the overthrow of the Ruthven lords and the return of Lennox. On 24th June following, the King had a private interview with the English Ambassador at Falkland Palace. Three days after this interview, the King, it would appear, escaped by the contrivance of Colonel Stewart to the Castle of St. Andrews. The gates were kept by Colonel Stewart and his soldiers, and no one was allowed to enter but those who were privy to the plot. Mar and Angus were determined to capture the King, but they were met six miles from St. Andrews by a herald, who charged them on pain of treason to disband their forces and come forward singly. They reluctantly obeyed, and on their meeting with the King, he ordered them to at once return home, which they did. Evidently they considered their enterprise hopeless. The King was now his own master, after having been ten months under restraint. The Scottish Ambassador, Colonel Stewart, and John Colville went at the King's request to London to consult Elizabeth. The King's mother at this period was Elizabeth's prisoner; Elizabeth was anxious to set up enmity between Mary and her son, and in this she so far succeeded.

The conspirators were compelled to acknowledge their offence and sue for mercy. The subject of contention between the Court and the Scottish clergy at this time was the Raid of Ruthven—the

clergy sanctioning and approving it. The King, not being able to convince the clergy of their fault, convened a Parliament in Edinburgh, when an act was passed denouncing the Raid as a crime of high treason, and meriting the severest punishment. A former act approving of it was cancelled as having been passed by the rebels themselves. The King declared his intention of punishing those who refused to sue for pardon, while he promised it to all who would acknowledge their offence. This state of the country was pleasing to Elizabeth, who supported another plot by the Ruthven lords for the seizure of the King, but it came to nothing. Gowrie hesitated for some time between submitting to the King and taking part in this plot, and he evidently chose the latter alternative. Walsingham, Elizabeth's unscrupulous secretary, was identified with it, and no doubt pulled the wires; but Stewart, the clever Earl of Arran, was too many for him, and he detected and defeated all Walsingham's manœuvres.

Arran quietly allowed the plot to proceed to the very term of its execution. Having privately desired his friends to hold themselves in readiness, he remained at Falkland with the King until he ascertained that Angus, Mar, and Glamis had entered Stirling with a body of horse, and taken possession of the Castle. He then despatched Colonel Stewart with 100 troopers to arrest Gowrie, who was at his house in Dundee. These surrounded his house before sunrise. Gowrie bravely defended himself for the space of twelve hours, but was at last overpowered and seized and sent to Edinburgh. Arran now called on his adherents to take the field, and 12,000 men obeyed his summons. At the head of this force

the King prepared to march against the rebels at Stirling. They were astounded at Arran's promptitude and Gowrie's arrest, took to flight, and landed in Newcastle,<sup>1</sup> and so the entire plot for the King's arrest collapsed.

Gowrie was immediately brought to trial. The Earl of Arran and Sir Robert Melville visited him in prison, and informed him that the King was deeply incensed against him. "Our advice," they said, "is that you write a letter to the King confessing your knowledge of a design against his Majesty's person, and offering to disclose the particulars if admitted to an audience." "It is a perilous expedient," said Gowrie, "and may involve me in utter ruin." "How so?" said Arran; "your life is safe if you follow our counsel, your death is determined on if you make confession." "Goes it so hard with me?" was Gowrie's reply. "If there be no remedy, in case I had an assured promise of my life I would not hesitate to try the device of the letter." "I will pledge my honour," said Arran, "that your life shall be in no danger, and that no advantage shall be taken of your pretended confession." Thus entrapped, Gowrie wrote the letter as instructed. It was sent to the King, but he waited in vain for a reply. At the trial Arran produced this letter of Gowrie's. The jury found him guilty, and he was sentenced to death. He received his sentence with firmness, and at once rose to speak. The Judge interrupted him, telling him the time was short, as the King had already sent down the warrant for his execution. "Well, my lords," said he, "since it is the King's wish that I lose my life, I am as willing to part with it as I was

<sup>1</sup> Hosack.

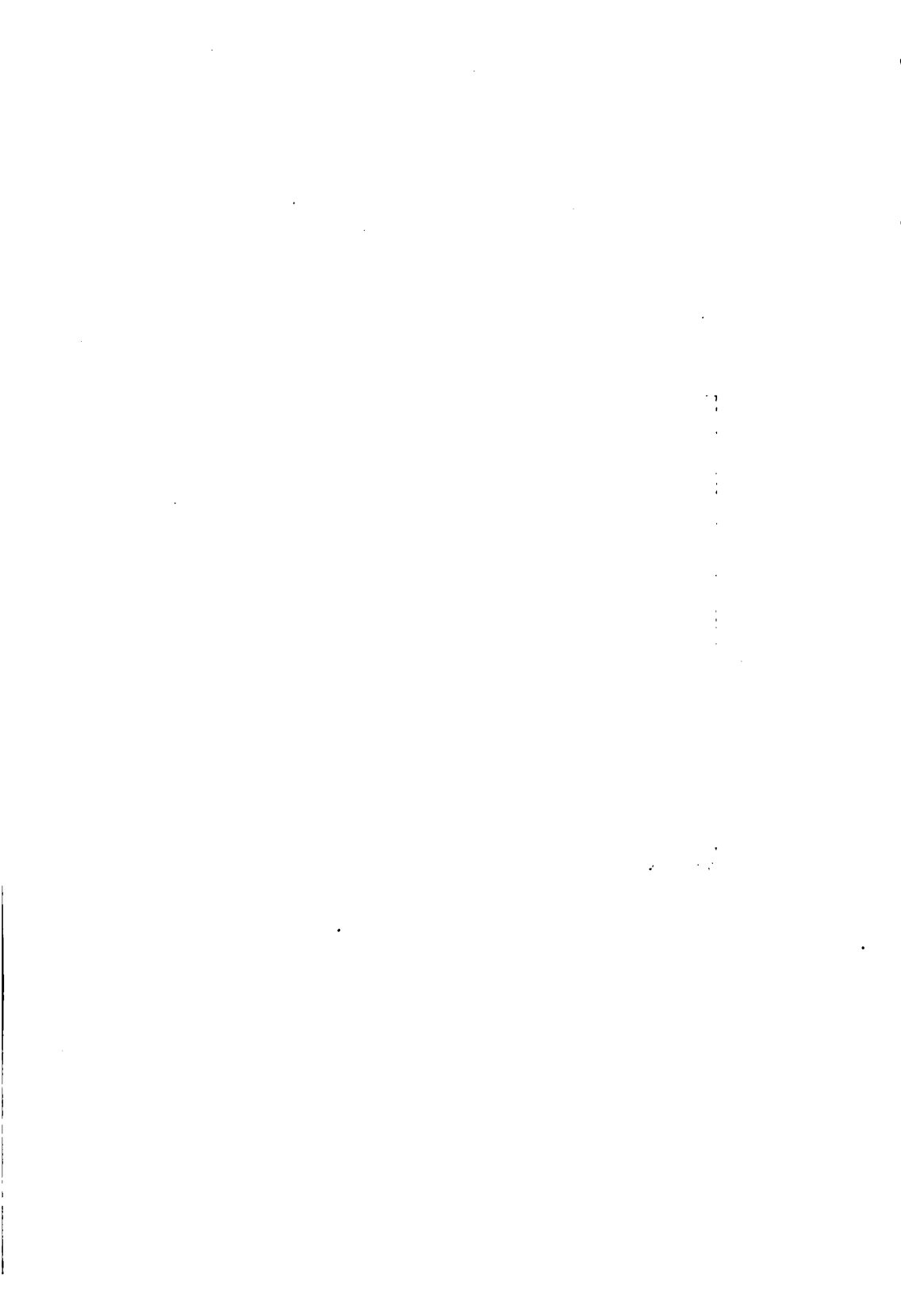
before to spend it in his service ; and the noblemen who have been upon the jury will know the matter better hereafter. And yet in condemning me, they have hazarded their own souls for I had their promise. God grant my blood be not on the King's head. And now, my lords, let me say a word for my poor sons. Let not my estates be forfeited. The matters are small for which I suffer. Failing my eldest boy, then let my second succeed him." It was answered that he was guilty of treason, and by law forfeiture must follow. He was allowed to retire with a minister for a short time for private devotion. He then walked to the scaffold, and asserted his innocence of all designs against the King's person. The Justice Clerk then assisted him to undo his doublet. Gowrie tied the handkerchief over his eyes, and laid his head on the block. And so this arch-traitor finished his inglorious career. Of the base and unscrupulous men of that period he was among the foremost, being always ready for any act of violence or treason. The Raid of Ruthven was the greatest event of his life. He was without doubt its instigator and champion. Nothing but a belief that the country was with him would have warranted such an unparalleled step ; but as it turned out, he and his companions had totally miscalculated the situation, and the strength of the opposition. The conduct of Stewart, Earl of Arran, and his brother, cannot be over-rated. They, even at the risk of their lives, made a determined effort to undo the Raid and release the King. It is owing to their gallant conduct that the King was enabled eventually to escape, and to Arran alone is due the ingenuity which achieved Gowrie's

capture, and brought him to the scaffold. If the Regent Moray had had such a man as Arran to fight against at Langside, the fortunes of the day would in all probability have been against him, and Mary's captivity prevented. The vindictive feelings which governed the conduct of James, and his cruel and unforgiving nature, suggest that the Raid of Ruthven in all probability inspired the Gowrie Conspiracy. James felt that his own seizure and captivity were an insult in the eyes of Europe, and that Gowrie was the chief of the plot. The Gowrie Conspiracy took place six years after Gowrie's execution. It is evident that after the Raid of Ruthven there could be no more friendship between the King and that notable family. There is another point worthy of notice. Gowrie was Provost of Perth, yet the Town Council went out to Ruthven Castle and supported the King against their Provost. This seems a mysterious proceeding, but it is explained in the following letter of the King to John, Earl of Montrose, who was Provost of Perth after Gowrie's execution, May, 1584. The King wrote Montrose: 'Understanding that the Bailies, Council and Community of Perth, immediately after the detention of our person at Ruthven in August, 1582, repaired to us in arms at the command of Charles Geddes, Lieutenant of our Guard (to whom we gave directions to give them warning), to do what they could to procure our liberty. They were at Ruthven for certain days thereafter; and they also directed their commissioners to have sundry conventions at our special request. They were altogether innocent of the treasonable act, as appeared in their actions and behaviour, showing themselves ready to concur with



*To face 20.*

**RUTHVEN CASTLE,**  
*Scene of the Raid of Ruthven*



us in the punishment of the chief actors. We therefore declare that they, in repairing to us in arms at Ruthven immediately after the event and keeping watch, have done the duty of good, true, and faithful subjects, meriting recompense and reward, we for ever promising to gratify them, therefor how soon soever the commodity may be offered."

In the reign of James VI. the events recorded in connection with Perth are much more numerous than in the reign of any of his predecessors. The explanation must be that there were fewer events to record in earlier times, or that the recording of them was insufficiently attended to. In the reign of James some very extraordinary events happened—events which make up a stirring history. The administration of the law was carried on mercilessly, albeit injudiciously, and we do not see that this policy did any good. Both civil and criminal laws were determined by the King, and the exhibition he made of his authority in the Church Courts as narrated in the following pages is an illustration of his arbitrary and high-handed rule. In 1582 a complaint was made to the authorities by John Anderson of Perth that James Ross, with nine accomplices, on the 5th May took the complainer by force furth of the Blackfriars' Burying-ground, and imprisoned him. The defenders and Colin Eviot of Balhousie and Robert Carmyllie were ordained to set the complainer free within three hours, after being charged, under pain of rebellion, or produce him before the King and Council to have the matter decided. James Anderson appeared for complainer, but defenders did not appear. The Lords again charged them to set complainer free within three



hours, and if they fail to do so to be denounced as rebels, and put to the horn. The defenders evidently refused to comply with this order, for we find a few weeks afterwards that there is another complaint by John Anderson that the defenders remain contemptuous, taking no notice of the King's authority, and in the meantime detain him. The King ordained certain noblemen and gentlemen to apprehend the rebels, and set the complainer at liberty. William Ruthven, Ballendrum, one of the commissioners, went to Murelhouses, near Kincardine, where they got information where the complainer was kept. Ruthven conveyed him away so as to set him at liberty conform to his commission. But before they had gone two miles, James Ross and the defenders came upon Ruthven, and took Anderson violently and by force from him, and carried him back to Murelhouses, to the house of Archibald Irving. A charge was thereafter made to Irving to liberate Anderson within three days, under pain of rebellion or appear and show cause. Then there is recorded a complaint by Colin Eviot of Balhousie against John Anderson, who had caused letters to be written ordering the complainer to set him at liberty within three hours, and who intends, on his plea of malice, to put him to the horn for disobedience. This proceeding the complainer represented as unjust, as he knew nothing about the seizure of Anderson. Anderson was ordained to appear before the Council. Colin Eviot appearing personally, and Anderson not appearing, the Lords ordered suspension of the letters of horning until the same be produced, and so this mysterious case of kidnapping ends, so far as the record is concerned.

## THE BLOODY ROLL, 1556-1580.

Only once in the history of the Ancient Capital do we find a reference to what was then called the Bloody Roll. There was a Coroner in these days for both town and county. This Roll was made up by him and forwarded to the Sheriff. The unfortunate persons whose names appeared on this Roll had committed crimes punishable with death. The state of crime at that period was beyond the control of the Government, while the administration of the Kingdom, it must be said, was calculated to induce crime. The official document we reproduce gives a complete list of the names on this curious Roll. A striking feature is the large number of respectable persons involved, nearly sixty; of these twenty-two were indicted for murder, fourteen for importing false coin, and eleven for a very unusual crime, mutilating and depriving a man of his left arm. The Roll covered a period of twenty-four years, viz., from 1556 to 1580, and the crimes are all specified. It does not appear that executions took place, at least we have no record, and probably the Cautioners' Roll, which we also give, was created for the purpose of saving life, and satisfying the Government by a personal guarantee that in respect of the indicted persons these crimes would not be repeated. These Rolls, however, as relics of feudal times and as records of the past, will always possess considerable interest:—

*The Catalogue of the names of the persons dwelling within the Burgh of Perth indicted and contained in the Bloody Roll direct to the Sheriff<sup>1</sup> for crimes committed between 1556 and 1580.*

John Anderson *alias* Malt—for forestalling of victual and keeping thereof in store until a dearth.

John Anderson, younger—for home-bringing of false coin, and for retaining Edmond Pitcottie, being at our sovereign lord's horn.

Robert Anderson, William Anderson, Henry Adamson, John Burn, John Lowrie, James Malise, Patrick Blair, Thomas Dundee, William Anderson, Constantine Malise, Duncan Robertson, Andrew Johnstone, Patrick Grant—for transporting and home-bringing of false coin.

John Stobbie, James Stobbie, Andrew Anderson, maltman; Nicol Blair, deacon of the tailors—for disobedience to the magistrates.

George Stobbie, deacon of the skinners—mensworn for libel and disobedience to magistrates.

James Donyng, Robert Donyng, George Leslie, James Patton, John Marr, John Cook, all in Perth—for mutilation of Peter Grant in Perth of left arm, committed in June, 1557.

John Blackwood, burghess of Perth—for art and part of the cruel slaughter of Laurence Schaw in the mill of Arngask in February, 1559.

John Scott, flesher; David and Walter Rynd, fleshers; Adam Poill, mason; Robert Wilson, mason, all in Perth—for art and part of the slaughter of John Will in Perth by drawing him in the water of Tay, committed in December, 1580.

Henry Adie *alias* Adamson, burghess of Perth—for the treasonable inbringing within this Realm furth of Flanders, Bordeaux, and other foreign countries, of false and adulterated<sup>2</sup> money, viz., hardettis, placks, babeis nonsuntis xxxs, xxs pieces, and other spurious money, committed in all months in the years 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, and 1566, and treasonable outputting thereof among the King's lieges as lawful money and good coin.

Dionysius Conqueror, merchant; Henry Conqueror, his brother; John Gall, merchant; William Adie; John Anderson; John Powry, younger; Andrew Robertson; John Powry, elder; John Ronaldson, baker; Andrew Wigtown; James Anderson, baker; Henry Kerr, tailor; David Horn; George Johnstone, all in Perth—for art and part of the cruel slaughter of Margaret Williamson, spouse to Thomas Millar, in Perth, committed in August, 1569.

James Williamson, in Perth—for art and part of the cruel

<sup>1</sup> There are two copies of this Roll. The older and more distinct of the two has been followed chiefly in the transcript, but the marginal notes and one entry have been added from the duplicate, which may have been the copy used in court.

<sup>2</sup> In duplicate "adulterative."

slaughter of Henry Crombie, burgess of Perth, committed in November, 1574.<sup>1</sup>

Henry Lees, Patrick Justice—for convocation of our sovereign lord's lieges, and for sedition and uproar in the Commonwealth.

John Stobbie, skinner; James Stobbie, skinner; Andrew Stobbie, wabster; Thomas Lammertine, wabster; Alexander Henderson, wabster, all in Perth—for art and part of the mutilation of Thomas Restein, wabster, at the Brigend of Perth, of his left arm in April, 1576.

Janet Gowrie—for being a witch and enchanter.

Thomas Crombie, burgess of Perth—for art and part of the cruel slaughter of —, Justice in Perth.

David Gray, miller in the common mills of Perth—for drowning of two bairns in a cobble on the Tay.

CAUTIONERS' ROLL.

*The Roll of the Burgh of Perth given in to this present Justice by the Coroner as follows:—*

John Anderson *alias* Malt in Perth; cautioner, Henry Balneaves. Thomas Anderson, his brother; cautioner, the said John Anderson. David M'Kay; cautioner, John Smyth. Andrew Anderson, maltman; cautioner, George Stobbie. John Smyth; cautioner, James Miller. John Rynd; cautioner, Thomas Elgin [and J. R. for T. E.]. Henry Bannafis; cautioner, John Anderson. [Henry Lees<sup>2</sup> and Henry Adamson; cautioners for each other. Thomas Crombie and Patrick Rae; cautioners for each other. George Powrie and Oliver Carn; cautioners for each other; Patrick Grant and Adam Anderson; cautioners for each other. Robert Matthew and Patrick Blair; cautioners for each other]. James Brown; cautioner, George Stobbie. William Anderson; cautioner, Henry Adamson. Dionysius Conqueror; cautioner, Oliver Young. [Robert Chapman and James Mellis; mutual cautioners]. Robert Anderson; cautioner, William Fleming. Patrick Inglis; cautioner, Duncan Robertson. John Cousland; cautioner, Duncan Robertson. James Stobbie; cautioner, George Stobbie. Dionysius Blackwood; cautioner, Robert Blackwood. James Monypenny; cautioner, Robert B[la]ckwood. Thomas Anderson; cautioner, John Anderson (his brother). Alexander Williamson; cautioner, James Gardiner [who, in turn, is cautioner for A. W.]. Janet Gowrie; cautioner, Robert Halley. John Gall (elder); cautioner, Thomas Gall, procurator. John Gall (elder) has become cautioner for John Gall (younger), his son, after his return from the sale, when he shall be charged. [John Anderson (younger) and John Boig, mutual cautioners. David Jackson (elder) and George Hunter mutual cautioners.] Andrew Stobbie; cautioner, William Lawson.

<sup>1</sup> This entry is in the duplicate roll, not in the earlier roll.

<sup>2</sup> Henry Lees occurs a second time with same cautioner.

John Lowrie (elder); cautioner, John Lowrie, his son. Thomas Clark; cautioner, William Fildy, gardener. William Colt, maltman; cautioner, Oliver Craigie. [John Clark and James Lamb, mutual cautioners; James Lamb also cautioner for Robert Lamb.] Richard Ross; cautioner, Patrick Inglis. David Jackson (younger); cautioner, Robert Snell. [Gilbert Rae and Donald Johnstone, mutual cautioners]. John James; cautioner, David James in Perth. John Burnett, burgess of Perth; cautioner, Henry Adamson. Thomas Dundie; cautioner, Duncan Robertson [whose cautioner in turn is Patrick Inglis]. John Powrie (elder); cautioner, Oliver Colt. Constantine Malise; cautioner, John Lowrie. Patrick Justice (younger); cautioner, Henry Adamson. David Baillie; cautioner, John Colt. [David Johnstone and Andrew Johnstone, mutual cautioners]. Nicol Blair; cautioner, Adam Bryson. [Gilbert Baillie; cautioner, William Tyrie, elder, while he is cautioner for Mitchell Tyrie and also for Thomas Burrell.] John Spens; cautioner, Mitchell Tyrie. James Lamb; cautioner, Robert Anderson [James L. cautioner for William Watson.] Thomas Watson; cautioner, James Johnstone. John Burn; cautioner, Alexander Gibson. George Stobbie; cautioner, Henry Lees. [John Strathmiglo and John Brown, mutual cautioners.] David Rhynd; cautioner, James Alexander. William Ross, tailor; cautioner, Richard Ross. David Gray; cautioner, Mr. Patrick Whitelaw.<sup>1</sup> John Melville; cautioner, Andrew Melville. George Johnstone; cautioner, Duncan Macgregor. Adam Poill; cautioner, Andrew Moncrieff, baxter. John Smyth, younger; cautioner, John Anderson. Andrew Stobbie; cautioner, William Lawson. John Rattray; cautioner, Adam Bryson [who is also cautioner for David Horne]. Alexander Finlayson; cautioner, William Colt. Robert Wilson; cautioner, John Balsillie.<sup>2</sup> Bessy Colt; cautioner, Andrew Duncan.<sup>3</sup> Christian Niewy; cautioner, John Anderson, her spouse. John Stobbie; cautioner, William Brown, skinner. Elspeth Monypenny; cautioner, Alexander Maxton. [John Scott and Walter Kyd, mutual cautioners.] [Oliver Young and James Gill, mutual cautioners.] John Begg; cautioner, Robert Snell. Andrew Marshall; cautioner, Richard Malcolm. Alexander Kincragie; cautioner, Alexander Gibson. James Donyng; cautioner, Hew Mitchell. David Pollock; cautioner, Robert Hally. John Smyth, elder; cautioner, Henry Adamson. Robert Blackwood; cautioner, Dionysius Blackwood. James Anderson; cautioner, Henry Lees. James Gardiner, baxter; cautioner, Andrew Gibb. John Murray<sup>4</sup>; cautioner, James Ross of Pitherlie. Robert Dickson; cautioner, David Dickson, his father. Robert Wilson; cautioner, John Balsillie. Purves M'Arthur; cautioner, Thomas Anderson. William

<sup>1</sup> James Anderson, miller, deleted.

<sup>2</sup> Substituted for Laurence Wilson.

<sup>3</sup> Substituted for David Marr.

<sup>4</sup> This and the entries to the end are written in a handwriting different from the preceding entries.

Blackwood ; cautioner, Andrew Mercer. Robert Stanis ; cautioner, Laurence Davidson. Thomas Jameson ; cautioner, James Ross. John Murray ; cautioner, James Ross. Patrick Whyte ; cautioner, John Galt. John M'Laren ; cautioner, Thomas Anderson. Alexander Cunningham ; cautioner, John Peebles.

BLOODY ROLL.<sup>1</sup>

David Gray, miller ; cautioner, Patrick Whitelaw.

ANDREW DRUMMOND'S ROLL.<sup>2</sup>

John M'Laren ; cautioner, Thomas Anderson. Alexander Cunningham ; cautioner, John Peebles.

JOHN GRAHAM [ROLL ?].

Patrick Whyte ; cautioner, John Gaw.<sup>3</sup>

JOHN GRAHAM'S ROLL.

David Young ; cautioner, Adam Bryson.

HORNER'S ROLL.

Andrew Anderson Smyth ; cautioner, James Donyng. Christian Wrie and Andrew Johnstone, his spouse ; cautioner, Henry Balneadie. Marion Rollock and William Balvaird, his spouse ; cautioner, Patrick Inglis. Thomas Gibson ; cautioner, Thomas Elgin. Andrew Blythman ; cautioner, James Sym. John Monypenny, elder ; cautioner, Thomas Monypenny. William Tyrie ; cautioner, John Rattray. Isabella Rattray ; cautioner, Alexander Maxton. Thomas Anderson and his spouse ; cautioner, David Marr. David Ramsay [and] spouse ; cautioner, Thomas Anderson. Thomas Meek ; cautioner, Henry Lees. Sir James Auchinleck ; cautioner, Patrick Auchinleck. Janet Maxwell ; cautioner, her husband. Walter Murray ; cautioner, James Ross of Petheavlis.

The above long roll is indorsed "Cautioners' Roll—Roll Justice Air," 1582.

The following fragment, though not dated, evidently belongs to the same subject :—

*Indent by the Coroner in Perth.*

James Miller, in Perth ; Robert Blackwood, Andrew Young, David Young, mason ; Thomas Jamieson, David Bow, John Murray, in Craigie ; Robert Stanish, Christian Maule.

JOHN GRAHAM, *Coroner-Depute.*

<sup>1</sup> After a blank page, in the second hand.

<sup>2</sup> After a blank page, still in second hand.

<sup>3</sup> These names again appear in a partly deleted entry as "Patrick Whyte in Murthelie" and "John Gall, elder."

*Portion of the Justice Roll, 29th June, 1582.*

John Cargill, Perth; John Anderson, John Anderson (younger), Robert Anderson, William Adie, Henry Adie, John Burn, John Lowrie, James Malise, Patrick Blair, Thomas Dundie, ——— Brown, William Anderson (younger), Constantine Malise, Duncan Robertson, Andrew Johnstone, Patrick Grant, Thomas Elgin, flesher; Andrew Young, Henry Lees, Patrick Justice, Alexander Kincaigie, John Stobbie, James Stobbie, Andrew Anderson, maltman; Nicoll Blairr, deacon of the sailors; George Stobbie, deacon of the skinners; James M'Breck, James Stevenson (not known), Christian Niven, spouse to John Peter; Thomas Brown, John Brown, Michael Tyrie. [This Roll contains three Terms.]

*Perth, 29th June, anno 1582.*—Indicted by the Coroner-depute of the Sheriffdom of Perth with the Coroner of the Burgh, the persons above-written in token whereof, the said Coroner-depute has subscribed these presents with his own hand.

JOHN GRAHAM, *Coroner-depute.*

*The Names of persons cited before the Provost and Bailies of Perth, 10th February, 1630, conform to the Justice Ordinance, with their several duties, as follows:—*

Maltmakers, John Lamb, David Duff—Ordnained to be tried by an assize for taking more than a merk between the boll of bere and boll of malt, which it is ordained only one peck to be taken between the boll of bere and boll of malt.

Maltmen and Maltmakers—Robert Thomson, Harry Crie, Patrick Brown, Thomas Ogilvie, William Crie, Matthew Lamb, Robert Smith, William Mitchell, James Drummond, Gilbert Henderson, John Brown, Robert Colt, deacon; John Henderson, George Wilson—Ordnained to be tried by their oaths or an assize for taking of one peck to the boll, and eleven for ten with the auld heap firlott, and keeping up of victual to the dearth, and punished, if guilty, as appertains.

And these conform to the Justice Ordinance and the duties given up against them.

Bakers or Baxters indicted—Robert Cook, for malt and wheat, and not sufficient weight of bread baking. John Henderson, idem, and for malt. Peter Gardiner, John Ferguson, George Young, James Gardin, Henry Williamson, Robert Jack, Andrew Hendry—For taking pecks to bolls of wheat and other sort of corn, and not giving sufficient weight of bread baked by them, and therefore to be fined, conform to the acts made thereanent, the Justices Ordinance and their duties.

Fleshers indicted—Thomas Crombie, William Rind, Thomas Allison, Thomas Rynd, John Blossom, William Blossom, Walter Balneaves, Alexander Balneaves, William Souttar, John Elder, Robert Thomson, Robert Kyd, John Rynd,

Henry Toilor, Allan Sharp, John Scott, Thomas Wilson, George Wilson—for forestalling of markets, and buying of goods before they come to the public market-place, and selling of the same over again therein; and therefor to [be] proceeded against as regratteris,<sup>1</sup> conform to the Justices Ordinance and their duties.

Maltsters—William Dionysius, Mar[gare]t Donaldson, Robert Burrell, James Hogg, William Lyall—to be tried for taking of a peck to the boll and eleven for ten with the old heap firloft, and keeping up of the same victual to a dearth, and punished if guilty as appertains.

Upon the 6th day of February, 1630, I, Donald Reid, officer, passed and lawfully charged the whole remaining persons, particularly above named, all personally apprehended, and gave each of them a copy to compear the 21st day of February instant, to the effect and for the causes aforesaid.  
*Witnesses*—William Cook, George Wilson, Patrick Bryson, James Hay, Henry Brown.

Endorsement: Roll of persons indicted; also a memorandum [probably of the members of the court], "11th February, 1630, *per propositum*, Andrew Gray and John Maxton."

At this period (1582) the Provost and Magistrates had great trouble in maintaining order on account of the riotous conduct of seditious persons, some of them being councillors and indulging in lawless conduct. The King and the Lords of the Secret Council, understanding that in the late sedition John Peebles was hurt and wounded to the peril of his life, in respect of which William, Lord Ruthven, Provost of Perth, ordained certain of these seditious persons to be imprisoned in the Tolbooth, and to find caution to keep the peace under a penalty of £2,000. This order was disobeyed, notwithstanding that the King and Council confirmed it. The King ordained John and Oliver Peebles on the one part, and John Ross of Pitheavlis, Patrick Whitelaw, and William Hall on the other part, to find responsible sureties, each under a penalty of £2,000, that they will keep the peace and not act unlawfully until 1st August next,

<sup>1</sup> A "regratter" was a person who bought goods and sold them again at a greater profit than was then allowed by law.



failing which John and Oliver Peebles to be imprisoned at Linlithgow, the others at Blackness, there to remain at their own expense till they have obeyed the ordinance.<sup>1</sup>

CORONERSHIP OF THE SHERIFFDOM OF PERTH.

The ancient office of Coroner was usually but not always held by the Provost and Sheriff of Perth. Its duties are not very clearly defined. It is recorded <sup>2</sup> that on 12th July, 1582, there was a complaint by James, Lord Innermeith. He and his predecessors from time immemorial had been heritably infest in the office of Coroner of the Sheriffdom of Perth, with the profits and fees of the same. In the month of June, Patrick, Lord Drummond, stopped Lord Innermeith's officers and servants in the execution of the Rolls directed to be executed on persons indicted to the Justice Court of Perth; deforced James Keir, officer, in the discharge of his duty, took him openly to the cross of Dunblane and tore and destroyed his Rolls; injured and menaced him, and stopped him from doing further duty. This outrage was committed by James Drummond, Auchterarder Castle, Andrew Drummond, Strageath, George Drummond, and Alexander Smith, officer to Lord Drummond. Charge was given to Lord Drummond and his four accomplices to appear and answer for their conduct. Both parties appeared personally. The Lords understanding that the Rolls of the last Justice of the Sheriffdom were delivered by the Justice Clerk for the time to Lord Drummond, father of the said Patrick, Lord Drummond, to be executed as formerly, ordained Patrick, Lord Drummond to continue Justice,

<sup>1</sup> Privy Council Register.      <sup>2</sup> *Ibid.*

and in all time coming, until he be lawfully called and dismissed therefrom by law. Accordingly without prejudice to either party's rights they remitted the matter to the Lords of Session or other Judges competent. Nothing further about this case is recorded and so the matter terminated. The office has long since been abolished. It is interesting to notice that in connection with this ancient office an instrument of protest was in 1510 lodged with the authorities, of which the following is a copy :—

*Instrument of Protest, Office of Coroner.*

Protestation made on 4th February, 1510, in presence of Sir Andrew Lord le Gray, Justiciar north of the Forth, sitting in judgment in a justice ayre in the sheriff court house of Perth, by Alexander Tyre, provost and sheriff of the said burgh, and Robert Tyre and John Peblis, bailies thereof, that the upkeeping of the letters componitors granted to them and their neighbours by the Lord High Treasurer and Lords' componitors upon their compositions, and which at command of the said Justiciar and his assessors they had delivered to Mr. James Henderson, his clerk, should not prejudice or damage to them in their undoubted possession and privilege of the office of coroner of which they have been in possession in the said burgh and over the neighbours thereof past memory of man ; and whereas the said Justiciar and his assessors had referred the continuance and declaration of the right of this office and property of the same to the Lords, Councillors of the King, without consent of the said provost, bailies and community, they protested that they were not competent judges hereof, and that they should not be prejudiced hereby, but have time and place convenient for remedy thereof, seeing they had not been cited to the hearing of this matter. These things were done in the said court house of Perth about 3 P.M.; witnesses, Robert Bonkil, Alexander Pullour, John Dundee, Finlay Anderson, and Sir Robert Thom,

notary. Simon Young, priest of St. Andrew's diocese, is notary."

In 1586 the commercial relations between Perth and Dundee were brought before the Privy Council. The Magistrates and Town Council of Perth said: The Magistrates and Council of Dundee alleging that their pier, bulwark, etc., through tempestuous weather is become ruinous and falling into decay, have, as the complainers are informed, lately obtained a pretended letter and gift under the Privy Seal giving and disposing to them certain privileges for a period of five years from date of said gift; that is to say, two shillings for every ton of goods entering the port and harbour of Dundee, two shillings for every ton at the outgoing of merchandise; and a shilling at the entry, and the same at the outgoing of vessels coming from Norway and other places laden with timber; of every chalder of victuals sixteen pence and various other dues as specified. By virtue of which Dundee will make exactions from the inhabitants of Perth, wrongously and unjustly, considering it is known to the King and Secret Council what necessity the complainers have of such exactions to support the common good of their own burgh, more needful of help than the port and harbour of Dundee; specially the bridge over the river, having twice fallen lately, erected of timber only and again ready to fall unless helped. In the reparation of their own works their common good is altogether spent, and they have no alternative than by taxation to be raised among themselves. Likewise they are burdened with His Majesty's customs for wines and other things, besides the great loss they have

sustained by the long continuance of the pest within the burgh. Further, the said gift is wrongously and injudiciously imposed, in respect that the complainers were not called to give evidence as they ought to have been seeing they had special interest and many reasons for opposing the gift ; particularly that the whole water of the Tay (Drumlay to Drumallane) belongs to the burgh of Perth, one part of the property thereof is the pier and shore of Dundee, which is situated within the water of Tay. The complainers, their ships and merchandise, were never required to pay these dues and exactions in time past in respect of their privileges and freedom. The burgh of Perth has been in continued possession of the freedom and liberty of the waters of the Tay, and for loading and unloading goods has paid no anchorage or other exactions. In respect whereof the said letters and gift to the Magistrates of Dundee wrongously granted ought to be declared null and void, or at least to be suspended until the matter be debated before the King and the Privy Council. The Magistrates of Dundee, and two of the Magistrates of Perth, duly appeared before the Privy Council and debated the case. The Lords, however, would not interfere, but ordained the privilege held by Dundee to continue during the time specified in the ordinance ; but no further privilege of exaction in respect of goods belonging to Perth to be granted after the expiry thereof. The burgh of Perth was ordained to appoint some person for reporting to the Lords' auditors of Exchequer whether the dues collected are applied by Dundee according to the terms of the ordinance, and so this litigation ended. The rivalry between Perth and Dundee at

that period is matter of history, and the boldness of the Perth Magistrates in claiming the pier and shore of Dundee as their property (and very probably it was) is an act which posterity is not likely to condemn. The Perth Corporation had to fight with inundations in the river and fallen bridges, matters which did not affect Dundee, and it had enough to do to pay its way, without the imposition of these extra customs. At this period both food stuffs and money were scarce, and an extra duty on such merchandise could not but be keenly felt by the inhabitants. What strikes us as being a remarkable feature of these times is the quantity of wine that was imported into the country and into Perth. The inhabitants of Perth were not "wine-bibbers," but all the same they had to pay for it. It is recorded in 1592 by Adam Anderson, burgess of Perth, for the Provost and Magistrates, that they shall, if found liable, pay to the Provost and Magistrates of Edinburgh £340 as their share of the contributions for the thirty tuns of wine advanced by Edinburgh for furnishing the King's house in January, 1589.<sup>1</sup>

It was intimated by the Privy Council in 1601 that the 31st day of December next was assigned to

<sup>1</sup> In the tempest on the Mediterranean, which imperilled the return of Richard Coeur de Lion from the Holy Land, David, Earl of Huntingdon, brother of William the Lion, was cast ashore on the coast of Egypt, and sold as a slave. He was bought by Venetians, and afterwards ransomed by English merchants. Before reaching home, he was again wrecked making for the Firth of Tay. He put in at a place called Alectum, which, in his gratitude, he changed to Dei Donum, or the Gift of God, whence it has ever since been called Dundee. It is said that he founded the Abbey of Lindores in his thanks to Providence for his deliverance.

the Provost and Magistrates of Perth and Dundee for their appearance before the King and Privy Council to submit all quarrels standing between them to neutral friends to be nominated by them. All actions to be raised before the Lords of the Secret Council, or the Lords of Council and Session. There is an order to the Provost and Magistrates of Dundee to forbear meanwhile all troubling of the inhabitants of Perth in transporting their ships or goods up the river Tay, but without prejudice to any of the privileges of Dundee within the said river. On 5th January, 1602, it was announced from Holyrood that the 28th January was assigned to the Magistrates of Perth and Dundee for appearing and submitting, conform to the Act of 26th November last, all quarrels standing between them. If they appeared not with full power in the matter required by the Act, it was ordained that they should have process in all actions raised either before the Lords of Secret Council or before the Lords of Session. The actions were evidently continued till 28th January. The Magistrates of Perth and Dundee were duly warned. It seems very mysterious that in the report of the Privy Council meeting on 28th January there is no reference whatever to this matter. It evidently dropped at this stage.

This jealousy and rivalry existing between Perth and Dundee became acute in the reign of James VI. In illustration of this we find in the records that David Drummond of Perth summoned the four Magistrates of Dundee and thirty-one other burgesses there for having come to the Mercat Cross of Dundee on 27th February last when the pursuer was proclaiming his Majesty's letters raised by the

Magistrates and Town Council of Perth against the Provost, Magistrates, and community of Dundee : and "railed at him, calling him a knave, loose, debauched swingeour, casting snow balls at him, interrupting him in his proclamation of said letters, and after his coming down from the Mercat Cross shouting at him as if he had been a thief; and that by the special command of the four Magistrates." He failed to find lodgings, as everyone turned him out of their house when they knew who he was. At the Court the pursuer evidently failed in his proof, and the case was dismissed.

In 1591, the Town Council of Perth was obliged to appeal to the Privy Council to compel unwilling owners of property to repair the city wall in fulfilment of the obligation to do so, when they were permitted to extend their yards to the south wall. The appeal of the Magistrates was as follows :

Whereas the town wall of the burgh on the north side had become ruinous, and could no longer keep out limmers and thieves, "quha commonlie in the inch entered within the same," and being hindered from repairing the wall by other necessary works then in hand, granted license and liberty to their neighbours dwelling on the north side of "the Northgate of the said burgh, between David Young's Vennel and the Turret Brig," and that upon their own request, to extend their yards to the said wall upon condition that each of them would repair and maintain that part of the wall—"effeiring to the breadth of the tails of their yards," leaving the accustomed passage by the side thereof; yet these neighbours, although they have extended their yards, have not repaired the wall and have no intention of doing so. The Lords ordain these persons to be charged to fulfil their obligation upon pain of horning.

In the same year the Magistrates, dissatisfied with the factory of the Hospital and its revenues, and not being able to obtain satisfaction, resolved to summon the governors of the Hospital before the Privy Council so as to have the matter adjusted. This took place under date 22nd January, 1592 :—

John Prestoun, as procurator for Adam, Commendator of Cambuskenneth, produced a summons, dated 28th December last, whereby he and James Adamson and Andrew Donaldson, Governors of the Hospital of Perth, were cited at the instance of John, Earl of Athoill, provost; Oliver Young, etc., bailies of Perth; and William Anderson, Dionysius Conquerour, Andrew Donaldson, Andrew Malcolm, Andrew M'Baith, John Wentoun, and Alexander Puller, multerers of the common mills of Perth, to produce the titles of which they claim to uplift an annual rent of 55 shillings yearly out of the common mills, and protested that as the day for which they were summoned was long past, and there had been no appearance made for the pursuers, whereas the said Adam, Commendator foresaid, was ready to defend, they should not be held to answer without a new citation and payment of expenses. The Lords admitted the protestation and decerned the pursuers to pay £4 as expenses of plea to the Commendator.

No explanation is recorded of the mysterious conduct of the Magistrates in not appearing to the citation.

The want of complete records is a great obstacle in the way of arriving at an accurate conclusion on some of the most notable events that happened in these far-off days. Municipal authority, as has been already pointed out, was defective, injudicious, and utterly unequal to the lawlessness of the times. What could illustrate this better than the following remarkable incident, in which fourteen town



councillors were imprisoned for riotous and disgraceful conduct. In this case the magistrates and council assumed the *rôle* of housebreakers and high-way robbers, behaved like men bereft of reason, set fire to Gasconhall, assaulted the occupants to the effusion of blood, carried away the landlord in his shirt, took away his silver plate and the plenishing of his house—one of the most unaccountable incidents that has occurred in our local history. It is recorded in the Privy Council Register in the following terms:—

Robert Bruce appeared personally: also Oliver Young, Patrick Blair, Adam Anderson, bailies; and James Anderson, William Mercer, Patrick Anderson, Thomas Burrell, W. Stevenson, Robert Sym, and Wm. Jack, burgesses of Perth, for themselves and the use of the Council. Robert Bruce, on being required to give his account of the causes of the quarrel, made the following statement: He having certain goods and merchandise coming through the said burgh, neither bought nor sold therein, they were intercepted and not allowed to pass through the ports. They were thus intromitted with by some of the neighbours because the carrier would not pay custom. Which being reported to him, he required the Magistrates (by letter) to repair the injury, and to cause his goods to be restored without payment of custom (his father nor any of his servants being charged in their time), otherwise he would use the like force of doing to these neighbours in their passage between Perth and Dundee. And because they refused his request, he seized some of their neighbours travelling from Dundee to Perth, and took their weapons from them, which weapons he offered to deliver to the magistrates if they delivered to him his intercepted goods. This was not only refused, but some of these neighbours, specially William Myles and John Balsillie came to his ground and lands of Gasconhall on the 16th August, and tramped down and destroyed, with their horses, the

corn growing there. On being reproved, they indulged in abusive language, whereupon he struck one of them with a pistol, and took and detained them in Gasconhall without doing them further injury. The same night the Magistrates, Council, and others—a considerable number—came to Gasconhall, and in the morning after daylight, sounded their drums, assegait him therein, discharged hagbutts and pistols in at his doors and windows thereof, and at last set it on fire and entered per force at the roof thereof, and after they had cruelly hurt some of the occupants with the shot of a hagbutt to the effusion of blood and the peril of life: they took himself and carried him away with them for some distance barefooted and barelegged, not allowing him to put on his clothes: and also took away with them his silver plate, bedding, and all the plenishing of his house. All this was done without authority. The reply of the Magistrates was as follows: The taking of custom for such goods as passed through their ports and bridge was no innovation, but a use and wont practice decreed by them and their predecessors in all time by past beyond the memory of man. Therefore in stopping Robert Bruce's goods while the custom had not been paid they committed no wrong. The seizing of neighbours and retaining their weapons was an offence in contempt of his Majesty's authority, and to them grief and hurt. They not only patiently bore therewith, but caused restitution to be made of his goods without payment of custom, after which they directed Anthony Maxton, one of their neighbours, to allow William Inglis and John Balsillie taken and detained by him after they were cruelly hurt and wounded, to have their freedom. Which request was refused, and the last report made to them was that he had murdered them. Complaint being made by their wives, bairns, and others, Oliver Peebles, Sheriff-Depute, to whom certain neighbours gave their concurrence and assistance according to powers in Acts of Parliament, went to Bruce's house and there perforce recovered their men furth of his hands, and also took himself with them to answer to justice. The King and the Privy Council, having

heard both parties, found that both had offended and contemptuously violated His Majesty's authority and laws. Therefore ordain Robert Bruce to be imprisoned within Edinburgh Castle, and William Mercer, Patrick Anderson, Thomas Birrell, William Stevenson, Robert Sym, and William Jack, to be imprisoned in Blackness Castle till the whole matter shall be put before the assize.

The final hearing of this extraordinary case unfortunately is not recorded. Another case showing the weakness of the local authorities, but not so serious as the foregoing, also occurred at this time, and indicates the unsettled and inept state of the Administration:—

Complaint was made by David Cochrane of Pitfour, that Harry Lindsay of Kinfauns, with forty persons armed with spears and pistols, came to Pitfour on 27th June at 2 a.m. when the family were asleep, and finding the gates closed they hid themselves about the house and directed a boy to the gate as if he had come with a letter to the complainer and desiring entry. The gates having been opened, Lindsay and his accomplices violently rushed at the gate, and being repulsed and the gate closed, they by violence and force broke up the same, entered the house, seized the complainer's movables and plenishings, removed and expelled his wife with nine children from the house, using great cruelty to them. They were not allowed refuge even in a barn or byre, but he forced them to lie about the fields. Now he has placed certain of the complainer's enemies, with whom he is at deadly feud, within the house of Pitfour, who will not deliver it up without compulsion. Both parties having been heard, the King and Council in respect that the house was opened to the messenger with a letter from the King ordained Lindsay to deliver up the house together with the plenishings which they took away, and to remove therefrom within six hours after the charge under pain of rebellion.

The leniency and inadequacy of this punishment are self-evident. For stealing a cow a man

in these times was executed. For house-breaking and robbery and putting a whole family out of their house the punishment was imprisonment. When such things were permitted there could be no guarantee for the safety of life. There is another extraordinary entry on the Register:

Complaint was made by Robert Martin, that in March last, he being in Perth on business was taken by the bailies and imprisoned in the Tolbooth where he was detained without any crime or offence committed by him. Charge was given to the bailies to release him immediately or show cause to the contrary. The bailies not appearing before the Privy Council, the lords ordained them to set the complainer at liberty within twenty-four hours under pain of rebellion.

This was another case of inadequate punishment, or rather no punishment at all. The apprehension and imprisonment of a man who had committed no offence would in our day have received different treatment. This incident, however, vanishes in importance when we consider the following ludicrous event, which shows that the Town Councillors did not always have it their own way. We now have the spectacle of two councillors stripped naked and whipped. Three months after the last incident, complaint was made to the Privy Council by the Provost and Magistrates. For their own comfort they had submitted all quarrels between them and Robert Bruce of Gasconhall to certain of his own friends, and to the King as oversman.

Nevertheless John Wilson, John Niven, and certain others passing to St. Andrews to the market there in a quiet and peaceable manner were, on 23rd April, beset at the Coble of Rhynd on their highway by the said Laird of Gasconhall, accompanied with nine horsemen and foot, armed with hagbutts, jacks, and other

weapons, and by them cruelly and unmercifully pursued for their bodily harm and slaughter, Wilson and Niven being both hurt and wounded in various parts of their bodies to the effusion of blood, Bruce and his accomplices shamefully stripped them naked, and in a barbarous and disgraceful manner scourged them with horse bridles through the town of Abernethy as if they had been thieves or heinous malefactors, left Niven lying there for dead and took Wilson as captive and prisoner away with them to what place the complainers know not, neither are they certain whether they are dead or alive. John, Earl of Gowrie, Provost of the burgh, appearing for himself and the other complainers; and Robert Bruce not appearing, was denounced a rebel.

Bruce had evidently not forgotten the brutal treatment he had received from the Magistrates and Council at Gasconhall. It would be a proud satisfaction to him to carry out this incident, and presumably it would be nothing more than a *quid pro quo* for what he knew was a scandalous transaction. The Town Council for once had found a tartan, and Bruce to all intents and purposes was well able to take care of himself.

There seems to have been at that period an endless variety of crime committed. A case of a very remarkable kind occurred in 1596 in connection with a dispute on the Abercairny estate. The following narrative of the incident shows what men could do in these lawless times out of sheer mischief. It would appear that William Brown sued William Murray of Abercairny and Thomas Ewing, his tenant, touching the coming of the Ewings in harvest last at ten o'clock at night to the said William Brown, who was inspecting his cornfields, then pursuing him for his life, and giving him several bloody wounds. Believing him to be dead, they

drew him by the heels to a burn, and cast him therein. By the coldness of the water Brown eventually revived, and with great difficulty got out and afterwards recovered. The defenders were ordered to appear before the Privy Council under pain of rebellion. Another action was raised by Brown against the same defenders anent the coming of John Elder in harvest last to the lands of Nether Bandedeath by special order of Murray—taking the shearers' hooks from them, and preventing them cutting the corn; the said William Murray in December, accompanied with thirty-four persons armed, came to Brown's dwelling-house, and violently ejected him, his wife and family furth of the said lands, breaking and destroying his plenishing, and casting of his stakes and corn. At the trial Murray alleged that Brown was orderly removed from the said lands by decret obtained on 9th August by Katharine, Lady Abercairny, before Oliver Peebles, Sheriff Depute at Perth. Brown stated that this decret was null and void, and Peebles appears to have been discharged from sitting in the Tolbooth of Perth and from all proceedings in this action until 10th November, being disqualified. The Lords of the Privy Council found that Peebles had done wrong, and ordained Abercairny to enter Brown in the possession of these lands, he to occupy the same until he be lawfully put therefrom.

Shortly after the foregoing incident a complaint was made by Alexander Bonar of Balgersho of the lands of Pitcairn in the shire of Perth. It was shown to the Privy Council how for a long time the complainer had been apprised of his wrongous expulsion from the lands of Pitcairn partly by Dorothea

Stuart, Countess of Gowrie, and John, now Earl of Gowrie, her son. After great expense in obtaining decreets of removal against the possessor of the lands put there by Lady Gowrie, he had issued letters of horning. Notwithstanding which, the said lady, while at the horn for troubling him, had still debarred him from these lands. In the Earl's absence furth of the realm, the management of his affairs had been assigned to James Wemyss of Bogie, George Auchinlich of Balmanno, Alexander Ruthven of Freeland, and John Moncrieff, advocate, whom also the Earl had made sheriff deputes of Perth and bailie deputes of Scone and Ruthven. The complainer was ordered to be reinstated.

John Welsh, minister at Kirkcudbright, was cited to appear before the Privy Council regarding his connection with the treasonable affair of 17th December, and speeches made by him in the pulpit next day, alleging that His Majesty was possessed with a devil, and after the outputting of that devil there joined the King seven devils, who were his Majesty's Council, saying at the same time as the sons have a frantic father it was right to bind him, so also it was right for the King's subjects to bind His Majesty. Welsh, having failed to appear, was denounced as a rebel. He was then about twenty-six years of age, and his wife (Knox's daughter) and he were transferred to Ayr. Being in Edinburgh at the time of the tumult, he preached in the High Church next day, when he expressed these extraordinary sentiments. The Lords and Senators of the College of Justice and the Commissaries of Edinburgh were, in consequence of this, required to remove their courts to Perth, and there administer justice to the lieges, intimation to be made at the Mercat Cross of the chief burghs.

## CHAPTER XIV.

The Kirk Session Administration—Attending Divine Service compulsory : Absentees fined—The Guildry and Incorporated Trades to stop work and attend on Thursdays—The Bailies to be excommunicated if they disobey the Session—The Session and Bailies compel Lady Errol to attend Service—Church Officer to bring red staff on Sundays to awaken Sleepers—Janet Watson having a House of her own is ordered to get married—The memorable Church Assembly of 17th December, 1596—The King and the Presbyterian Clergy quarrel—Magistrates and Council of Edinburgh to be imprisoned in Perth Tolbooth—Two Perth Magistrates fined in £68—Old Fish Market—The Red Parliament of Perth 1606—Riotous conduct of the Eglinton and Glencairn families in High Street—The King and the “Constant Moderator” quarrel with the Presbyterian Clergy—The Moderator by physical force removed from the chair—Lord Scone orders the Magistrates to apprehend the Synod and locks them out—Synod hold their meeting on the street—Synod Sermon occupies four hours—Ross, the preacher, put in Blackness Castle—Two sets of Perth Magistrates quarrel, and ordered to find caution each for 10,000 merks to keep the peace.

THESE selections from the Kirk Session Records of Perth are transcribed from four MS. volumes in the Advocates Library by James Scott, formerly one of the ministers of Perth, and cover the period from 1762 to 1806. In addition to these, there are eleven MS. volumes, viz., two of Charters of Blackfriars Monastery, 1241 to 1559 : one of Charters of St. John's Church with its chapels and altars, 1358 to 1559 : one of Extracts from the Records of St.



John's, 1591 to 1596 : four of the Acts and Proceedings of the Managers of the Hospital, 1620-1732 : one of Baptisms, 1561-1666 : one of Marriages, 1560-1668 : one of Deaths, 1591-1623 : one of nineteen pages—Superstitions of Perth ; or, anniversaries observed by the people, which were abolished after the Reformation. The principal of these, *Corpus Christi* day, St. Obert's day, and resorting to the Dragon Hole, we have referred to at length in Chapter XII. We reproduce merely a selection of the more prominent incidents, but these give us a graphic view of the social life of the town in the sixteenth and seventeenth centuries, and the arbitrary, and in some cases the highly injudicious laws, which at that period were in force. The Kirk Session was then a great power as a local authority, not inferior to the Town Council, sometimes far ahead of it in its arbitrary rule. It may very naturally be asked what was the effect of this rule on the commission of crime. If we may judge from the overwhelming number of entries in the Town Council and Session Records, it is evident its effect on crime was *nil*. Some of the records are unusually interesting, particularly those bearing on the regulation and rules of divine service. The Kirk Session divided the town into four districts, under visitors who regularly perambulated the town with a bailie to see that the people attended service forenoon and afternoon, and to note absentees that they might be proceeded against. Drunkenness, tipping, and night walking were severely punished, while the supervision of the Kirk Session over the people was exercised to such a degree that no one could obtain lodging or employment except by a Kirk Session license.

This severe censorship lasted for a century and a half after the Reformation. In 1580 it was ordained that in the administration of the communion the first bell was to ring at 4 a.m., the second at 4.30, and the third at 5. In the matter of absence from service, it was ordained that an elder of every district should pass through the town every Sunday in time of preaching before noon (turn about), and note those who are found in taverns, bakers' booths, or on the streets, and report them to the Assembly, that every one who is absent may be fined twenty shillings, in terms of the statute. This practice was kept up till 1776. In August, 1582, it was ordained that every elder "who comes not on Monday next to service, being in town, or any other day hereafter, shall pay two shillings Scots to the poor (twopence), and if behind the hour twelve pennies Scots extra." There is a special ordinance in March, 1587, making attendance at Thursday's service compulsory. The Session, in the belief that there were sundry honest men and masters walking the streets, or abiding in their booths, and absenting themselves from service on Thursday, while the rest of their neighbours were occupied in the service of God, ordained that the Dean of Guild convene his brethren, and the deacons of the Incorporated Trades their brethren, and charge them that "every Thursday they shall leave off work, attend the kirk, and with the rest of their neighbours give themselves to the hearing of the word and service of God." The Dean of Guild and deacons were to appoint the penalty for breaking the Sabbath day by contraveners of this ordinance. Some weeks after, William Shepherd was accused of

breaking the Sabbath day, confessed, and was fined. He was informed that if ever he be found again exposing his bread for sale during sermon, or at any other time on Sunday, he would be punished therefor, and the Act enforced with all rigour. On 5th April following, the whole fleshers were called before the Session and accused of breaking the Sabbath, and of being profaners of the Lord's table, swearers and common bargainers. They all pled guilty. The Session suspended judgment and the rigour of the sentence which their faults required in hope of amendment ; but if in time coming " any of them be found to contravene, the penalties in the Act would be enforced with rigour as often as they were found culpable." On 18th May, 1589, the Session ordained keepers of the town's gates " to suffer no Spaniards or other idle vagabonds to come within the town. If the porters disobey, they shall be deprived of their office. Should any inhabitants receive or lodge any Spaniards or beggars let in by the sloth and negligence of the porters, they shall pay the penalty of twenty shillings Scots for each person." Janet Macduff was ordained to be taken and presented on the Cross-head on Saturday, there to remain fast in irons from 10 a.m. till 12, with a mitre on her head and writing of infamy : thereafter to be banished the town for ever. If found in the town again, to be burned with the town mark on the cheek. Any one receiving her into lodgings would have to pay a penalty of forty shillings.

Then the Session dealt with the Magistrates in the matter of constant disturbances during preaching, by bairns playing and crying in the Kirkyard. The

Session ordained that the bailies appear in their own appointed seats on preaching day, that the minister duly intimate to them such things as are to be done. And in any case, if they be absent to be called by their names, to come to church next day, and then in case of absence, publicly to be reproved. And likewise the officer to wait on the bailies, and order them to keep the preaching, otherwise they will be punished as breakers of the Sabbath, as an example to others.

In 1592, Thomas Taylor, it would appear, gave no obedience to the kirk, but was denounced as a contemptuous person, and the bailies being negligent, the Session ordained the bailies to put him in ward for his contempt, and failing their doing so to proceed in excommunication against the bailies. Taylor afterwards confessed his offence in breaking the Sabbath. The Session ordered him to appear on Sunday following, and during service to stand bareheaded before Lady Gowrie's desk, when he should be required publicly to confess his offence. For the due performance of this Patrick Oliphant became his cautioner. It is recorded that in the following year in time of harvest, men and women shearers resorted to the town on Sabbath, walking up and down the streets during service, waiting to be hired, and earn a little worldly profit, little or nothing, as the Session said, regarding the profit of their souls. This being a heavy slander on the Session, the Session ordained the keepers of the gates to hold them out under pain of reprimand. The Session ordered the Magistrates to remove and banish them from the town, and suffer not such Sabbath-breaking to be unpunished.

William Kinloch, gatekeeper at Bridge of Tay

port, had various times been negligent in his office and slanderous in his life, and on Sunday during sermon was found drinking in James Blyth's house. The Session ordained him to appear in the place of public repentance bare-footed and bare-headed, and in linen clothes, under pain of excommunication, in order to declare his repentance before the congregation, whom he by his ungodly life had often slandered. After this the Session ordained every Deacon of Craft, and the Dean of Guild for the merchants, to put a twopenny candle in their pews every Sunday morning in time of the morning service; and the treasurer was required to furnish a twelvepenny candle to the leader to be lighted immediately after the first bell.

As an illustration of the Session's strict supervision of the people, very probably a necessary supervision, we find that the following year they ordained Alexander Balneaves, Session Clerk, to write the names of all the inhabitants of the town, and after trial and examination of these and every one of them on the grounds and heads of the Christian religion, so that they may be admitted to the celebration of the Lord's Supper. One Sunday both men and women in the forenoon evidently rose up at the stroke of eleven, and departed without the blessing. In order to stop this objectionable practice, the Session ordained both bailies and elders to keep both the kirk doors, and suffer none to depart before the blessing, unless sick or ill at ease. The Session ordained that the whole congregation (burgh and landward) be equally divided to each minister for weekly visitation and examination of families, that they may

*The Town's Officer appears before the Session* 41

know what progress the people make in Christianity: "So that we may be strengthened and armed against the false doctrines of the instruments of Satan, who go about craftily and maliciously to subvert or corrupt the purity of the gospel."

It was reported on 8th January, 1599, that Lady Errol of contempt absented herself from the hearing of the Word on Sunday and other preaching days. The Session ordered a bailie and three elders to speak to her, and if she had no reasonable cause for absenting herself, to desire her to be present in time coming, otherwise the Session would proceed against her with all the censures of the Kirk. In April following James Young, town's officer, was accused of profaning the Sabbath by absenting himself from the kirk and being "beastly drunk," and pursuing George M'Gregor through the streets with a drawn sword. George Horn's wife declared that on Sunday Young and John Murray came to her house and craved drink, and when she refused he drew his sword and threatened her. Knowing his disposition she gave him drink. He then went into a cellar against her will and drank till the afternoon service was ended, and was so drunk that he did not know what he did. The Session ordained him next Sunday to come to the kirk door barefooted and in linen clothes, and to stand from the ringing of the second to the third bell and thereafter to come to the place of public repentance and repent publicly in presence of the congregation: all which was done.

There are no more notable entries until 1604, when in September of that year it was reported that a number of young women, after supper on Sunday, were found under stairs dancing, singing, and knocking upon doors

in various parts of the town. They appeared before the Session and confessed that they profaned the Sabbath by lascivious singing and dancing, for which they were sorry, and promised not to do it again. The Session rebuked them and ordered the Magistrates to put them in ward ; and intimation to be made publicly from the pulpit that no young women resort and convene on the Sabbaths at even, or sing and dance in time coming, and that the heads of families take heed to their children and servants that in no manner of way do they profane the Sabbath.

Passing on to 1609 it is recorded that Andrew Johnstone and his wife, James Jackson and his wife, David Jackson and Helen Hynd went through the town disguised, with swords and staves, molesting and hurting sundry persons. The Session ordered them to be put in ward. They were asked why they went out disguised at ten and eleven p.m., with swords and staves. They replied that after they had supped together on Tuesday they resolved to go about the town for no evil purpose but merriness, and denied that they molested anybody. It was found that Johnstone's wife had her hair hanging down and a black hat on her head ; her husband with a sword in his hand. Jackson had a woman's cap and a woman's gown. The Session ordained them to compeer next Sunday in linen clothes in the place of public repentance, and then confess their offence and be rebuked in presence of the congregation as dissolute and licentious persons. On 24th June, 1616, the Kirk Session officer was ordered to have his red staff in the kirk on Sundays in order to awaken sleepers and to remove "greeting" bairns furth

of the kirk. In 1618 Isobel Garvie and Margaret Lamb appeared before the Session to answer if they were at Huntingtower Well last Sunday, and if they drank thereof, and what they left at it. They drank thereof and each of them left a pin. It was considered idolatry as putting the well in God's place. The form of their censure was continued until those whom they named compeered with them.

On 3rd August 1617, Alexander Peebles, burgess of Perth, appeared before the Session, taking exception to the doctrine of John Guthrie, minister, for slandering him and his family of sorcery, and consenting thereto by turning the riddle and uttering many outrageous speeches. John Malcolm, minister, and the Session, certified in one voice that the doctrine was general, and necessarily followed on his text, Esther ii. 7. Guthrie desired them to desist from any censure of Peebles in respect of the greatness of his misbehaviour. A few weeks afterwards Guthrie charged Thomas Young with uttering speeches against him and his ministry, also that he met him several times since on the causeway, and he would not do the civil duty of salutation as became him towards his pastor; also as he was coming to the Session, meeting him near the Kirk Vennel, Young in manner of provocation to tempt his pastor passed by without using any kind of reverence. The Session were highly offended that Young should have so far disregarded his pastor, and ordained him to appear before them and undergo condign censure for the said offence. On 18th October it is recorded that as certain persons have been so bold as to come into the Session meetings without leave asked or given, and their so doing has given offence, therefore it was ordained that



in future no one be admitted to the Session meetings without first giving notice to the kirk officer. In January following, John Guthrie refused to preach in Edinburgh in view of a vacancy in the Church there. He was cited to appear before the High Commission in Edinburgh to undergo censure for disobedience. The Town Council and Kirk Session sent commissioners to explain that Guthrie's transference would be to the great hurt and detriment of the Church in Perth. The Presbytery ordained a letter to be sent to the Lords of the Commissioners showing them how necessary it was that Guthrie should remain in Perth, and begging their lordships not to insist upon it. The Bishop of Dunkeld also made supplication to the same effect. We hear no more of this transference until at a Session meeting on 12th June, 1621, John Guthrie, minister, declared that for a year and a half he had been urged, with letters from His Majesty, and from the Archbishop of St. Andrews, and the Commissioners in Edinburgh, to go there and be their minister. If he deferred longer to obey these letters, he feared it would be hurtful to both him and the town, and he asked their advice what to do. The Session replied that they objected to his transference, and at this stage the matter appears to have dropped. On 25th May, 1622, John Malcolm declared that he was greatly troubled in his mind lest Satan prevail so far with Margaret Alexander, now deprived of her reason, that she perish in the waters of the Tay, as she has attempted several times to have done. She being among his congregation, it would be a great sin and shame if they took not precautions to prevent Satan working in her as far as they might. It was

concluded by the Session and such of the Town Council as were present, that she should be put in the Halkerston Tower and there kept close, and nourished on bread and small drink for a certain space, until she is restored to reason. In July following, the Session were informed that some honest men's wives haunt the house of Margaret Sadler at certain times, to waste and spend at wine and gossiping. She was admonished not to receive such women into her house in future, and not to disobey this order under such penalty as the Session should inflict upon her. George Dickson, having complained verbally to the Session that he was abused by Francis Scott and James Thomson and their advocates, young professed knaves, by casting their bonnets at him in the kirk, the Session ordered them to be apprehended and punished. Thomson being apprehended and brought before the Session for his insolence, was ordained to be taken to the Grammar School, and there scourged with St. Bartholomew's tawse for his offence.

On the 3rd December, 1621, notice was given that Janet Watson held a house by herself, where she might give occasion for slander. Therefore Patrick Pitcairn, elder, was ordained to admonish her in the Session's name, either to marry or pass into service; otherwise she could not be suffered to dwell by herself. In April following, John Fleming, bailie, resolved with the Session what form of punishment should be enjoined to John Keir's wife for putting violent hands on him and for wounding him on the head with a pair of tongs. It was ordained that she on the next market day pass barefooted, holding up the said

tongs in her right hand above her head through the streets of the town : all which this woman did.

Of the ministers of Perth from the Reformation up to 1688, nineteen in number, they all or nearly all conformed to the Episcopal Church, and most of them were canonically ordained deacons and presbyters. John Row was in connection with the Church of Rome.

*(End of Session Records.)*

#### THE KING AND THE PRESBYTERIAN CLERGY.

The King and the Presbyterian clergy were at this period anything but friendly, and that feeling appears to have arisen from the arbitrary position he took up regarding them and the doctrines they preached, and from the facilities he afforded the Catholics, many of whom were officers in the Royal household, and companions of the Queen. The feeling between Presbyterians and Catholics was evidently growing keen, and the first victim of resentment was David Black, minister of St. Andrews, who was summoned before the King and his Privy Council for "slandrous speeches" contained in his sermons. Black defended himself, and declined to recognise the authority of the King in spiritual matters. The King laid down four conditions to be observed by the clergy :—(1) A limitation of the liberty of speech in the pulpit on persons and affairs of State ; (2) the General Assembly of the Church not to be held without his authority ; (3) his assent to the acts of Assembly to be as necessary as for acts of Parliament ; (4) Synods, Presbyteries, Kirk Sessions, not to meddle with causes dealt with by the laws of the land, but only with moral offences. These

demands put an end to all friendship between the King and clergy, as they struck at the very root of Presbyterianism. The charges against Black were that he affirmed in his sermons—(1) That the papist earls were returned to the realm by the King's consent, whereby the treachery of the King's heart was detected; (2) that all kings were the devil's children, the devil was in court, guiding the court, and at the head of the court; (3) as regards the Queen, he said in his prayer: "As for the Queen, we must also pray for her, for the sake of fashion, but we have no cause to pray for her: she will never do us any good"; (4) he called the Queen of England an atheist; (5) in one of his sermons he called the Lords of Session miscreants and bribers, the nobility degenerate, godless dissemblers and enemies to the kirk, His Majesty's Council atheists of no religion; (6) he assembled various noblemen, barons, and others, at St. Andrews, seditiously, to put themselves in arms, and to divide themselves into bands of horsemen and footmen, usurping thereby the King's authority. For these and other offences Black was sentenced to imprisonment during the King's pleasure, and at his own expense. The Privy Council on 1st January, 1597, ratified the following Acts: "That made at Edinburgh on 13th December for stopping slanderous and seditious preaching and clerical interference with affairs of State, and for preventing preachers so culpable from again preaching." The Act of 22nd December declaring the perpetrators of the attack on the King and nobility in the Tolbooth of Edinburgh on 17th December to have been guilty of treason. The Act requiring acknowledgment by the ministers

of the King's jurisdiction over them, especially with regard to seditious speeches in the pulpit or elsewhere

Black's sentence created great excitement, as it proved the determination of the King to overpower the clergy. It was resolved to discuss the matter with the King, Robert Bruce to be spokesman. The King received them, listened to their observations, and abruptly rose and left the court. Their demands included the dismissal from court of excommunicated papists, the removal of papists from the Privy Council, the revoking of all acts and decisions for the past five weeks against the kirk. Before the deputation arrived at Holyrood, the Privy Council resolved not to receive them, but to commit them to custody if they tried to force themselves in. Lord Ochiltree was sent out to smooth down matters, and so far succeeded that the deputation dispersed ; this was on the 17th December. On the 22nd, the Privy Council met at Linlithgow, when the King ordained that the barbarous attempt committed on 17th December on His Majesty and Council, who were besieged within the Tolbooth of Edinburgh by the rascal multitude in arms, instigated by certain seditious ministers and barons, was an act of treason, and the perpetrators guilty of that crime. In respect of the facility afforded to the ministers of Edinburgh (by their living within one close), for making convocations and conspiracies, it was ordained that they should not live together in a close in future, but in separate houses ; the King to possess the houses of the close lately occupied by them, and the laigh Tolbooth, now called the Town Council House, to be set apart for the Exchequer. The King was declared to have

the power to order ministers to preach or desist from preaching whenever he saw fit. The Magistrates and Council of Edinburgh were declared to have been responsible for the uproar of 17th December. Commission was given to the magistrates to try the offenders and others suspected, with power to follow up the trial by examination, imprisonment, torture, or in any other way, so that the result could be delivered to his Majesty by 1st February in such form that justice and equity may follow thereupon.

In 1597 the Provost, Magistrates and Town Council of Edinburgh were charged to enter in ward in Perth on 1st February in order to be tried for the treasonable proceedings of 17th December. The date of their entry had been postponed to 1st March, on which day it had been declared that it would be lawful for two of the Magistrates, the Dean of Guild, the Treasurer, four of the Deacons of Crafts and four of the Council with their clerk to enter themselves in ward within the burgh. These, consisting of thirteen persons, having been cited, appeared personally, and produced a procuratory given them by the magistrates of said burgh; which having been read and considered, the King inquired if the thirteen were in Perth. It was answered, "Yes," except William Maule, who was absent by dispensation from the King. This was disallowed, and the Edinburgh Magistrates were declared to have disobeyed the King, so that the appointed trial could not take place. An order was therefore issued to denounce the Edinburgh Magistrates and others as rebels, and to put them to the horn. Then came the apology:—  
"The Provost, Magistrates, etc., of Edinburgh, regretting the great dishonour done to the King

by the tumultuous uproar of 17th December by a number of wicked and seditious people, declared by the King and Secret Council to be treason, which by the oversight of the magistrates was not so carefully and timeously repressed and tried as the indignity of the case required, we, his Majesty's most humble and obedient subjects, representing the said burgh, as God and his Majesty knows, are altogether innocent and free of the said tumult. In order that all displeasure of his Majesty may be removed, and his wonted good affection borne to us, we, the Provost, Magistrates, Council and Deacons of Crafts, most humbly crave his Majesty's pardon for the negligence and oversight of the Magistrates, and for the same shall satisfy his Majesty at sight specially by the performing of the humble offers given in by us, and as his Majesty shall enjoin us, for punishing of the said tumult."<sup>1</sup> This very humble apology, so craftily worded to please the King, must have caused much chuckling in Edinburgh at the time. Evidently the King accepted it, for we hear no more of the Edinburgh Magistrates being in ward in Perth.

In 1599 two of the Magistrates of Perth, for careless administration, were fined in £68. The case consisted of a complaint by James Stevenson of Edinburgh, who had instructed William Smyth, tailor, to be cautioner for Christopher Laurence of Perth, that Laurence would pay Robert Hewat £50 conform to letter of suspension raised by Laurence. At the calling of the suspension, decret was given against him, and Smyth his cautioner was compelled to pay the sum. Smyth obtained decret against Stevenson, whereupon Stevenson raised an action

<sup>1</sup> Register of the Privy Council.

against Laurence and obtained decret for £68, for non-payment of which Laurence had been put to the horn. Then there were issued letters of caption against the Magistrates for the apprehension and imprisonment of Laurence. He was imprisoned in the Tolbooth, but instead of keeping him there till Stevenson had been paid, they released him, so that by their default Stevenson was frustrated and disappointed of payment. The latter appeared personally, but Oliver Young and Andrew Roy, Bailies of Perth, failing to appear, the Lords ordained them to pay Stevenson the sum of £68. In January following, Andrew Roy appealed to the Lords, pointing out that he was not a party either to the imprisoning or releasing of Laurence, and that the bailie succeeding him ought to be answerable for his own deed. He would find caution if necessary. The Lords gave judgment suspending the letters of horning, and the matter dropped. Following on this there was a complaint by Thomas Taylor, flesher, Perth, that having bought in November last thirty cattle from some of the Earl of Mar's tenants, he was driving them to Perth when Robert Reid, Thomas Dow, and Malcolm Reid of Tullymet, tenants of the Earl of Atholl, having overtaken him at the Muir of Blair, violently took from him the said cattle, together with his purse and 300 merks of gold and silver, carried him to Tullymet, then to Dunkeld, where he was detained three nights in prison, and could not get his liberty until he had found caution for 500 merks to answer at the Earl's Court. The said offenders not appearing and not having been entered by the Earl, the King and Council ordained the Earl and them to be denounced rebels.



On 13th July following, Thomas Blair, skipper in Dundee, having on board his ship a chest of linen cloth uncustomed, William Davidson, the depute, caused his servant, Arthur Neish, to traffic with this cloth, as belonging to His Majesty, whereupon the skipper violently forced the cloth from him. Again on 18th July, Davidson being in Perth, Thomas and William Blair, merchants there, and David Blair in Scone, sought for him in the Grass Market to kill him. Missing him there, they went to the house of a burgess where Davidson was, and desired him if he was a good fellow to come out with them to the Inch, where they would teach him a new form of exacting custom ; they desired William Hay, who was in company with Davidson, to retire, otherwise he would regret it. Afterwards the Blairs, learning that Davidson was on his way to Dundee, followed him in order to take his life. If such conduct remained unpunished the pursuers would get no man to serve them. The Lords, who were appealed to by Davidson, assoilzied William and David Blair because Davidson had failed to prove his case, and they excused the non-appearance of Thomas Blair.

The following year a curious incident occurred on the South Inch. A complaint was made by Sir George Home of Spott, and Thomas Hamilton of Drumcairn, that Sir Harry Lindsay of Carston, who in respect of his office in the Royal Household ought to be a good example to others, had some days previously, accompanied by a dozen persons, gone to Perth in search of Patrick Eviot, and on finding him on the South Inch shot ten or twelve hagbutts or pistolets at him, so that if he had not escaped in a boat he would have been killed. Both parties

appearing before the Privy Council, Lindsay confessed that some of his company shot at Eviot by his directions. The Lords ordained him to be imprisoned in Edinburgh Castle during the King's pleasure.

In 1599 a complaint was made by the inhabitants of the Southgate of Perth. At the erection of the burgh into a free Royal Burgh, the Magistrates and inhabitants willing by a civil and political form of government to develop its prosperity and cause it to flourish in wealth, appointed and ordained the Fishmarket to be held in the Southgate opposite Allareit Chapel as the most convenient place, which market was held there for many years. About the year 1387 by the negligence of the Magistrates and other troubles, the market had been removed to another part of the burgh. The then inhabitants of Southgate, dissatisfied at the removal of the market, that part of the burgh fell into decay and ruin. They therefore appealed to the Earl of Fife, governor, and Great Chamberlain of the realm. The Earl visited Perth, and, with the consent of the inhabitants, remitted the matter to Lord Nicol of Erskine, William Elder of Dispensa, and Richard of Strathearn; which noblemen ordained and decerned that all manner of sea-fish brought to the burgh of Perth on horseback, should be sold in the Southgate, as the books of the Town Council direct. Conform to this decree, the Fishmarket had been re-established in the Southgate, and held there till about 1486, when, by the negligence of the Magistrates, it was removed to another place. Complaint was then made to David, Earl of Crawford, Great Chamberlain, and in a court held by him on 21st July, 1486, the matter was

referred to an assize chosen for the purpose, which assize unanimously approved the Earl of Fife's ordinance. Accordingly the matter had been of new set down in Southgate and kept there some time, when it was again removed and set down at the Bridge. On account of the Southgate going to ruin by the removal of the market, the Privy Council ordained Patrick Blair, Patrick Grant, Constantin Malise, and Oliver Young, bailies of Perth, to remove the Fish-market from the Bridge back to the Southgate, opposite Allareit Chapel, or else to appear before the King and Council to show cause to the contrary. The complainers appeared by Alexander Peebles, their procurator, but the persons named failed to appear, and a peremptory order was issued charging the bailies of Perth to remove the market conform to the two acts registered in their books within three days after the charge, under pain of rebellion.

Edinburgh was visited by the plague in 1606, in consequence of which Parliament was ordered to sit at Perth on 1st July. The nobles and barons were to be attended or escorted as follows: Each marquis and earl by twenty-four persons, each lord by twelve, each great baron by eight, and all others by their ordinary household train conform to the statute, no one to presume under any pretence whatever to violate this ordinance. The Privy Council, two days before this Parliament met, announced by proclamation that the nature and dignity of the Court required modest, peaceable and good behaviour on the part of those who repair thither, who for the duty they owe their sovereign should lay aside all quarrels and unite together for the furtherance of his Majesty's service. All dutiful subjects were ordered to keep the time of

this assembly inviolate. The Lords of the Secret Council ordered all who repaired to this Parliament to conduct themselves peaceably, and not to presume to prosecute others for old feuds and new ; nor to offer any occasion of offence to others under pain of death, certifying that those who fail should be apprehended and the penalty of death executed upon them without favour or mercy. The condition of Scotland at that period was unsatisfactory under the weak and vacillating administration of a government ruled over by a feeble and foolish monarch. Such a proclamation under a wise ruler would never have been issued, and there is reason to believe that unprincipled ministers and nobles who were plentiful indulged in these forbidden pursuits and hoodwinked the King.

This seems to have been a record year for the town of Perth. James, having made his Parliamentary arrangements, proceeded to give his next attention to the Kirk ; but nothing was to be allowed to divert attention from the meeting of Parliament.

After all these precautions, this Parliament was duly held at Perth, and a brief description of it has been preserved. This was the famous Red Parliament. The reason for the name was the unusual blaze of colour presented by the costumes of the nobility when Parliament assembled. It was requested that, to distinguish the nobles from the "meaner and inferior ranks," all dukes, marquises, and Earls should wear in Parliament red crimson velvet robes lined with white armings and taffety; and all Lords red scarlet robes lined after the same fashion. The procession which took place

was very imposing. It was ordained that the Commissioners of Burghs two and two in rank march first; next to them the Commissioners of the Barons two and two in rank on horseback; then the Abbots and Friars two and two; then the Lords ranked as ordained, the latest in creation to march first; then the Bishops and Archbishops two and two in rank according to their dignity; then the Earls ranked as ordained; then the Commissioner and the Marquises of Hamilton and Huntly. Balfour informs us that this Parliament was presided over by John, Earl of Montrose, Commissioner to the King, and that an act was passed confirming the privileges possessed by the town, specially those under the Great Seal of 1600 after the Gowrie Conspiracy; and the right of patronage to the Vicarage of Perth. Another act was passed in favour of David, Lord Scone, erecting the Abbey of Scone into a temporal lordship. In respect of the King's debts a tax was authorised of £4, on the one pound land, the same proportion to be paid by prelates and burghs. This tax, which was a very oppressive one, and said to be double of the greatest tax that ever was granted to any King of Scotland before, was to be levied for four years. It was this tax that the King and the third Earl of Gowrie quarrelled over. As a proof of the curious customs of the time, this Parliament issued an order to the citizens prohibiting them from salting salmon more than for their own use during the sittings. Orders were given to provide a tun of wine, the half of which was to be given to Montrose, the Commissioner, and the other half to the Earl of Dunbar.

The General Assembly of the Kirk had been appointed for Dundee, was transferred to Perth by order of the Privy Council, but ordered to be held in May, 1607, and the clergy were forbidden to resort or repair to Dundee for holding Assembly under pain of rebellion, and if any disobey, to be denounced as rebels. The Lords also commanded the Provost and Magistrates of Dundee that they suffer not the Assembly to be held there, otherwise they will have to answer his Majesty and the Privy Council on their obedience at their highest peril.

The Lords of the Privy Council ordered at this date George, Master of Winton, and Sir Alexander Seton, his brother, to appear personally before them at Perth, to answer for their riotous conduct on the High Street of Perth on 1st July, in a scuffle with the Earl of Glencairn and his friends. John Mather, servant of Glencairn, was killed. This was a violation of the proclamation made for the quiet and peace of Parliament and was contempt of the King's authority. The scuffle occurred on the opening day of Parliament and was the result of a feud between those two houses. The Setons were nephews of Lord Chancellor Dunfermline. One night after supper they encountered Glencairn and his retainers on their way to Eglinton's lodging. The leaders were in the act of passing each other at a convenient distance when some mischievous servants in the rear drew their swords and raised a commotion, which was only quieted by the intervention of the town's men and the King's guard, and resulted in the hurting of very few excepting a servant of Glencairn, who was mortally wounded. The Chancellor was so annoyed at this affair, that he

refused to see his nephews, and resolved to have the matter investigated. At the diet for examination the Setons failed to appear, were denounced as rebels and put to the horn.

There was a duty or custom leviable at this period on all passengers and goods passing between Perth and Bridge of Earn. This was in all probability connected with the maintenance of the Bridge, but it was strongly objected to by the laird of Moncrieffe, Sir William Moncrieffe. His objections succeeded, for he obtained relief from the payment of this impost, as will be seen from the following agreement granted by the Magistrates and Council :—

Notwithstanding the Act for uplifting the duty it shall not be prejudicial to William Moncrieffe of Moncrieffe, his heirs and successors, men tenants or servants; nor to Sir John Moncrieffe, his brother, nor to any of the surname of Moncrieffe so that they shall pass and repass freely without payment of duty.

In the year 1607, we have the records of some extraordinary proceedings in the ecclesiastical courts. The subject of debate was what is known as the "Constant Moderator." This was an order of the King to presbyteries to appoint such an official, who was to be chosen from the Moderators of the Synod, and when once appointed was to hold office *ad vitam aut culpam*. This was regarded as a tyrannical ordinance of the King, and as the clergy were not consulted they made up their minds to disregard it. The record informs us that it was ordained by the King and his Privy Council that Alexander Lindsay, being nominated and appointed by the General Assembly held at Linlithgow (not admitted by the clergy), is declared to be the

Constant Moderator of the Presbytery of Perth, and the ministers of that Presbytery have received and admitted Alexander Lindsay to this office, and he has accepted the same. Nevertheless, the Lords of the Secret Council had been informed that the Synod had instructed the Presbytery of Perth to discharge Lindsay from the office and to nominate another, whereby it was said they had usurped great authority. . . . They had disobeyed his Majesty, and given an example to other presbyteries to do the same. The Lords ordained the Presbytery of Perth to acknowledge and obey Alexander Lindsay in all things concerning the moderatorship, and to concur and convene with him weekly at their ordinary meeting-place, and not to presume or take upon themselves to make any other nomination, or to discharge Lindsay, under pain of rebellion; and to prohibit the other ministers of the Presbytery from accepting the moderatorship. The clergy resented this arbitrary dictatorship, and so far from obeying the King, they were more determined than ever to have nothing to do with the "Constant Moderator." These proceedings, which were of a very exciting nature, have been recorded, and we will proceed to give a brief summary of them on account of the great interest which they have afforded to posterity. The Synod met on 8th April in St. John's Church, William Ross, Moderator. Lord Scone presented his commission, but the Synod refused to hear it read. They were referred to the meeting at Linlithgow in December. The Synod craved a sight of the report of it, but it could not be found. Several members declared they were at the Linlithgow meeting, but heard nothing about the "Constant Moderator."



Lord Scone would not allow them to proceed. They entreated him not to disturb the meetings of God's servants, nor bring such a scandal on the country and himself. He persisted in using menacing language.

The Synod requested him to take advice, and dissolved the meeting. Next day, on the assembling of the Synod, Lord Scone appeared, and intimated that he would discharge the Synod, as he had the power to do so. His commission from the King was then read, ordaining that they should do nothing contrary to the King's intention, and that what was done at Linlithgow should be obeyed. He was reminded that his commission carried no authority to dissolve the Synod. The question was then put whether they should proceed to elect their moderator as formerly, or according to the new Linlithgow act. It was resolved that they should keep to the old form. At this, Lord Scone, according to the record, exclaimed that the Magistrates must remove them. They charged him, in the name of the Lord Jesus Christ, by whose authority they were convened, not to trouble the meeting. But he responded: "There is no Jesus Christ here." Calderwood's version is: "The devil a Jesus is here." The Moderator exclaimed: "Cease, my lord, we will not be prevented by violence from the doing of our office under the Lord Jesus Christ." The new Moderator was then chosen, Mr. Henry Livingston, whom Lord Scone pressed to put out of the chair, sitting down in it himself, and preventing Livingston occupying it. Livingston answered that he was chosen thereto by a greater than he, even the voice of Christ's Kirk, which was Christ's own voice, and therefore he would obey Him. As for the chair, it was



*To face 60.*

SIR DAVID MURRAY OF GOSPETRIE.

*First Lord Scone, and Viscount Stormont. Cup-bearer to  
King James VI. of Scotland.*



to him indifferent ; let his lordship keep it. He would sit at the table among his brethren. The Synod then engaged in prayer, but his lordship disturbed them, endeavouring to overthrow the table upon them, and asked that the Magistrates be sent for. Notwithstanding, they engaged in prayer, and with great emotion continued it. The Magistrates arrived on the scene, and Lord Scone commanded them to ring the common bell and remove the rebels. The Magistrates said they could not do so without the authority of the Council, which they would go and convene, but they never returned. The Synod proceeded according to order and removed the Presbytery of Perth furth for trial. Lord Scone locked the door, and shut them out ; but they, getting access to a loft or gallery, signified to their brethren their presence from that place. The Synod proceeded with the trial till nine p.m., appointing to meet again in ten hours. Returning again at the expiry of that time, they found all the doors shut. The Magistrates came and informed them that Lord Scone had done so, and taken the keys with him against their will. They therefore resolved to sit at the kirk door, where there was brought to them boards, forms, and stools, and then with great complaisance, men regretting, women weeping, and cursing the instruments of that disturbance of the clergy in the execution of their office ; being gravely and orderly set down surrounded by a large audience, amid silence the meeting was opened with prayer. The Synod instructed the Presbytery to cancel the appointment of Alexander Lindsay as "Constant Moderator," and choose another as formerly ; the Synod at the same time disregarding

an order from the King through Lord Scone to nominate a "Constant Moderator" for Auchterarder Presbytery in room of one lately deceased. A committee of four was appointed to wait on the Privy Council, defend the proceedings of the Synod, and complain of Lord Scone. The King, it would appear, meant that the "Constant Moderator" should be applied to provincial Synods, the moderator of every Synod to be chosen from among the "Constant Moderators" of the presbyteries of that Synod, which according to him was settled by the undivulged act of the Linlithgow Convention. These extraordinary proceedings created great excitement all over the country, and the clergy were commended for the firm and determined position they took up. The Privy Council were bound to take notice of the matter, and on the 11th June following issued an edict, in which they said, after referring to the proceedings: Being more refractory than before, the King's commissioners were forced to execute charges of horning against them. At the Synod meeting on 8th April, and after the ordinary sermon by William Cooper, which ended about nine a.m., Lord Scone directed Henry Elder, town clerk of Perth to William Ross, who as Moderator of preceding Synod was to preach the sermon to the Assembly, to entreat him in the King's name to behave himself modestly in his sermon, and to say nothing that would distract his brethren or compromise their votes or opinions. Nevertheless William Ross behaved himself very seditiously in this sermon, and stirred up his brethren not to obey the orders of the commissioner. His sermon ended at two p.m. having begun at ten a.m. The brethren retired for

refreshment, to meet again at three. They, however, privately agreed to meet at 2.30, so as to steal a march on the Commissioner, and with more than ordinary speed proceeded to nominate their Moderator. They elected Livingston, and Lindsay protested. The Lords immediately prohibited the Presbytery from choosing anyone but Lindsay. Next Presbytery day Lindsay, accompanied by the Bishop of Dunblane and the ministers of Abernethy and Kinnoull, met in the kirk, but none of the Presbytery convened with them. Some remained in sundry corners of the kirk, others returned to their homes. The Commissioner, seeing this, ordered the Presbytery to meet; but the members disobeyed, took instruments, and protested. The Commissioner also took instruments upon their disobedience, whereby the ministers, in his opinion, had contemptuously behaved themselves in all their proceedings in this their pretended Synod, for which they ought to be punished in their persons and goods, as an example to others. On the representation of the Lord Advocate, the Lords of the Privy Council ordained William Ross to be imprisoned within the Castle of Blackness, there to remain at his own expense until released by the King, and ordained letters of horning to be directed against him. Henry Livingston for his accepting the moderatorship against the command of the King's Commissioner, because he declared his ignorance, etc., to be imprisoned within the bounds of his own parish of Stirling, and prohibited from preaching in any place but his own kirk, or from attending the Presbytery or Synod during the King's pleasure.

This incident, which was an attempt to foist Episcopacy on Presbyterian ministers, showed that the King's proposal was arrogant and impracticable, and the punishment of the two ministers, especially that of William Ross, was a tyrannical and indefensible act. In October following more trouble occurred. The Magistrates of Perth and the friends of the Lord of Lindores quarrelled, and caused some slaughter and bloodshed on either side. The Lords of the Privy Council ordained the Magistrates, also the Magistrates of the previous year, and Patrick, Lord of Lindores, and James Leslie, etc., his servants, to appear before them on 5th November following, to answer for the misrule and insolence committed by them, and meantime to find caution, either party in 10,000 merks, to keep the peace. At the same time we are informed that John, Earl of Tullibardine, charged himself in 10,000 merks, that David, Lord Scone, Provost, James Drummond, Gavin Dalziel, Patrick Anderson, and William Williamson, bailies, and the Provost, Dalziel, Robert Mathew, Andrew Arnot, and Gabriel Mercer, bailies the preceding year, should keep the peace till 5th November, and not molest the other party. This bond is subscribed at Perth 28th October, before William Murray of Drumsyre, John Pitcairn, Colin Ramsay, and Patrick Bryson, writer in Perth ; Henry Elder, clerk, subscribing for Gabriel Mercer. It is evident from this that the two sets of Magistrates had quarrelled among themselves, and the Privy Council were appealed to, to restore peace.

## CHAPTER XV.

### THE GOWRIE CONSPIRACY.<sup>1</sup>

SCOTLAND under the Stewarts was anything but a peaceful kingdom, and its people were anything but law-abiding. Its administration was not characterised by integrity, but rather by corruption, immorality, and crime. Allegiance to the throne was disregarded in high quarters when any great scheme was afloat, and the effect of this was destructive of loyalty and of the general safety, and calculated to keep the people in constant excitement. Conspiracies were common, and the lives of the lieges were never absolutely free from danger. The conspiracy of Robert Graham and the Earl of Atholl against the life of James I. was an inexcusable and treacherous act, in which the lives of all three were sacrificed. The conspiracies against Riccio and against Darnley were equally inexcusable, and attended with much greater loss of life; while the conspiracy against the Queen of Scots was carried on for nineteen years, and culminated not only in her execution, but in the wholesale execution of a large number of the nobility and people.

In the reign of James VI. the conspiracy against him by William, Lord Ruthven, and his followers, lasted for upwards of ten months, and

<sup>1</sup> See more fully the author's Gowrie Conspiracy and its Official Narrative.



some years afterwards what is known as the Gowrie Conspiracy followed suit. These do not exhaust the list, but they unfold the spirit of the times. Such plots had one object only, and that was the aggrandisement of the men by whom they were put forward. The condition of Scotland was pitiable. It was financially in a state of chronic bankruptcy, and the English monarch was its chief creditor. The general poverty and insecurity were shown in some of the sieges of Perth, the Ancient Capital, when on one occasion only one man in the burgh was able to give hospitality, and on another occasion, when the Provost and Magistrates forsook the town and ran away to escape danger. With one exception, these cabals were directed against royal personages, a state of matters that disclosed a spirit of rebellion and treason amongst the leading men of the time. Everything, unfortunately, has not been recorded, and we can only criticise what appears in the official narrative. The treasonable conduct of the nobles, which figures conspicuously in the historical record, is difficult to believe, but it seems beyond doubt; and not only so, but there is reason to believe that all of them entered into and promoted these unlawful schemes without the least hesitation. For example, when James Hepburn, Earl of Bothwell, undertook to murder Darnley if the nobles gave him as a *douceur* Darnley's wife, nineteen out of twenty nobles who had convened signed the bond.

The Gowrie Conspiracy was different from every other conspiracy, in respect that it was evidently a plot by a royal personage against a subject; it differed also from the conspiracies we have named, in that it was conceived and executed without any

plan being disclosed. Ruthven at Falkland, the drama at the dinner, the King's uncovered head at the window, the false report that he had returned to Falkland, the death-scene in the turret chamber, the prompt execution of those who could give evidence against the King, and the farce of the bogus depositions, leave no reasonable doubt as to the elaborate scheme which must have been "cut and dry," constructed and rehearsed, before the fatal 5th of August. To most students of history it will appear mysterious why the negotiations for the deed were kept so quiet; so quiet, in short, that nothing about them has found its way into the State Paper Office or into any private collection. Whether it was a conspiracy by Gowrie to remove the King, or a conspiracy by the King to remove Gowrie, has always been a debatable question. Although Gowrie and his brothers were killed and his estates confiscated, he had five married sisters who were evidently undisturbed. One of these was married to Lennox, and died some years before the Conspiracy; but some of the other brothers-in-law ought to have aided Gowrie. From whatever reason, history is silent. Even that noble woman, Dorothea Stewart, Gowrie's mother, who in agony witnessed her two youngest boys being pursued and hunted to death by the bloodhounds of James, was unable to communicate with them or to give them food, clothing, or shelter, and has left nothing on record to enlighten the seeker after truth.

The Ruthven family were extensive landowners in Scotland, and were also identified very closely with the town of Perth, while by marriage they were connected with various county families. Their country residence was Ruthven Castle, in the

neighbourhood of Perth ; their town residence Gowrie House, and the head of the family was usually Sheriff and Provost of Perth. There does not seem to have been any crime recorded against any of the family until the reign of Queen Mary, when Patrick, Lord Ruthven, who died in exile, joined the rebels, became a violent conspirator, and was one of the murderers of Riccio. He committed the unpardonable offence of striking Riccio with his sword in the presence of the Queen, and otherwise of grossly insulting Her Majesty, as is fully recorded in the Queen's biography.<sup>1</sup> For this she indignantly told him, after the murder, that she hoped "the Eternal God, who from the high heavens beheld this murder, would avenge her injury by rooting out him and his treacherous posterity." The Gowrie Conspiracy evidently fulfilled this prophecy. His son succeeded as William, Lord Ruthven, and was afterwards created first Earl of Gowrie. He also became a rebel, and evidently was a man of the most brutal description, judging from his outrage on the Queen at Lochleven, when, in company with Lindsay, he compelled her to sign her abdication by brute force. The Queen had no greater enemy. He was also one of the Darnley murderers, and during the reign of James he concocted and carried out what is called the Raid of Ruthven, for which he was afterwards beheaded.

The narrative of the so-called Gowrie Conspiracy, which has been frequently published, is the official version issued by the King's authority, and presumably written by him. We do not think it can be accepted as a *bona-fide* report of what occurred, nor

<sup>1</sup> Mary Queen of Scots, and who wrote the Casket Letters, by S. Cowan.

do we think the depositions afterwards taken before the Town Council and at Falkland are of the slightest value, because they are notoriously one-sided and untruthful. This narrative has done its work by manifesting to posterity that the atrocious deed was the act of Gowrie and his brother. No narrative from the Ruthvens or their friends has been published, very probably because no one was left who was in a position to do it.

William, Lord Ruthven, first Earl of Gowrie, was the first Ruthven who owned Scone. He acquired it on the death of Patrick, Bishop of Moray, Commendator of Scone, about 1569, at which period it evidently belonged to the Abbey of Scone. In 1580 John Ruthven, son of this William Ruthven, and third Earl of Gowrie, was by the King appointed perpetual Commendator of Scone in succession to Patrick, Bishop of Moray. The connection of the Ruthvens with Scone would thus be limited to thirty years, as their estates were confiscated at the Gowrie Conspiracy in 1600.

#### THE GENERALLY ACCEPTED NARRATIVE.

On the 5th August, 1600, the King and his nobles were in the great park at Falkland, ready to mount and proceed to their sport. This was between six and seven a.m. The King was surrounded by his hounds and huntsmen when Alexander Ruthven came up and craved an audience. Ruthven then declared that the evening before he had met a suspicious looking fellow outside the walls of St. Johnstoun, with his face muffled in a cloak ; and perceiving him to be terrified when questioned, he seized him, and on searching found a pot full of gold pieces under

his cloak. This treasure, with the man who carried it, he had secured in a small chamber in Gowrie House, and he now begged the King to ride with him to St. Johnstoun and make sure of it, as he had not yet told his brother. The King disclaimed having any right to money thus found, but on being told it was foreign gold he proposed to send a warrant to the Provost to seize it. Ruthven protested against his doing so, as if the Magistrates got a hold of it he would never see it. All he wanted was that the King would ride with him to St. Johnstoun, see the treasure, and judge for himself. The King said he would decide after the hunt was over. At the close of the chase he surprised his companions by telling them that he meant to ride into Perth and see the Earl of Gowrie, and he immediately rode off with Ruthven at a rapid pace. During the ride Ruthven despatched Andrew Henderson, his chamberlain, to advise Gowrie that the King would arrive very shortly. Gowrie, it would appear, dined at half-past twelve along with three friends. Shortly after, Ruthven arrived to announce the King's approach, and Gowrie and his friends and followers rose to their feet and walked to the South Inch to meet him. The King had an escort of twelve or fifteen persons. On coming to Gowrie House he called for a drink, and was annoyed at having to wait long for it, and also at the delay of an hour before dinner was served. During this interval Alexander Ruthven sent for the key of the room leading to the gallery chamber, which room adjoined the cabinet where the King dined. At the end of this apartment was another, which led by a stair into a circular room formed in

the interior of a turret, and this room could be entered not only by the door at the end of the gallery, but by another door communicating with a back stair. Soon after the King sat down to dinner, Gowrie sent for Henderson and told him to go to his brother in the gallery. He obeyed, and was joined by Gowrie. Henderson, beginning to get uneasy, asked excitedly what they were about to do with him. Gowrie and his brother proceeded to the little chamber, made him enter, and locked him up. Gowrie then returned to the King, who was sitting at his dessert, whilst Lennox and the rest of the suite were dining in the next room. The King in a bantering way proposed Gowrie's health in a flowing bumper of wine. Gowrie, calling for wine, joined Lennox and his companions, and at this moment Alexander Ruthven, when the King was alone, whispered to him that now was the time to go. Lennox spoke of following, but Gowrie prevented him. The latter then opened the door leading to his pleasure grounds, and Lennox and others passed into the garden. The King, believing some of his suite were following him, accompanied Ruthven up a stair and through a suite of chambers, all of them opening into each other, Ruthven locking every door as they passed out. At last they entered the room already mentioned. On the wall hung a picture<sup>1</sup> with a curtain before it; beside it stood a man in armour; and as the King started back in alarm, Ruthven locked the door, put on his hat, drew the dagger from the side of the armed man, and tearing the curtain from the picture, showed the

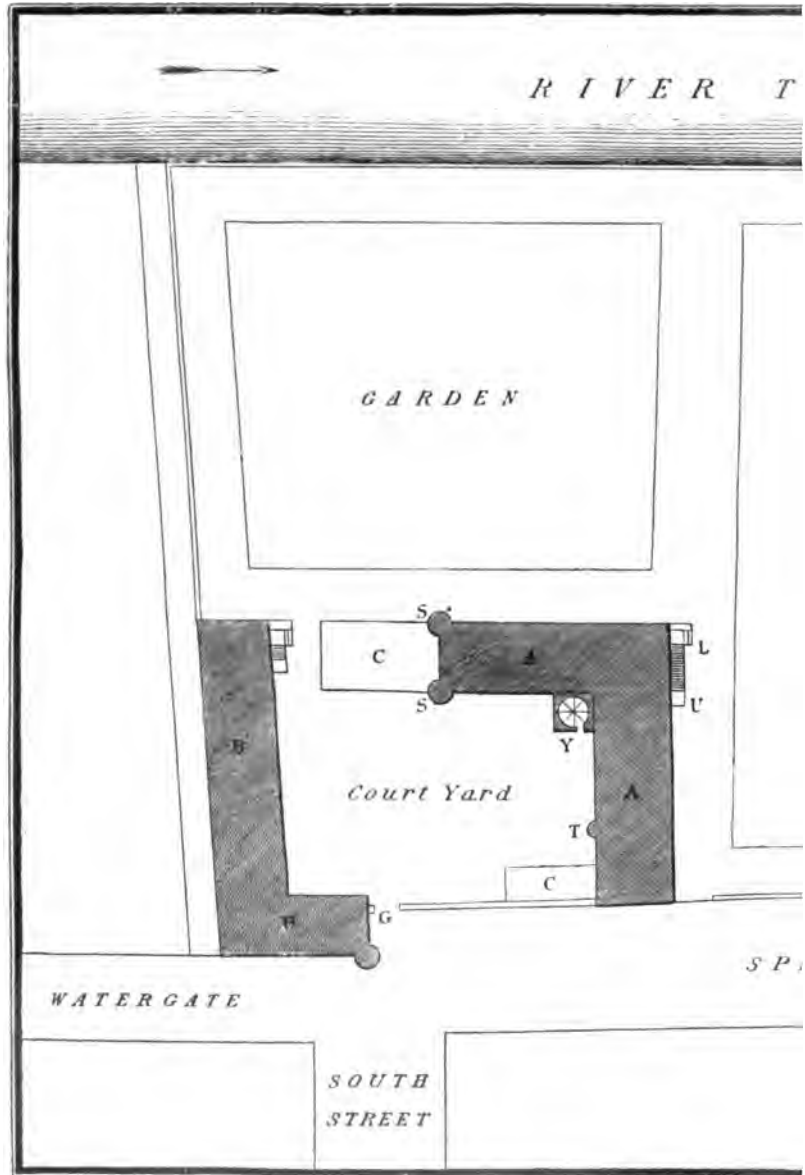
<sup>1</sup> Tytler's History of Scotland: the denial of this statement by the *Athenaeum* is made on wholly insufficient authority.

well-known features of the late earl, his father. "Whose face is that?" said he, advancing the dagger with one hand to the King's breast, and pointing with the other to the picture. "Who murdered my father? Is not thy conscience burdened by his innocent blood? Thou art now my prisoner, and must be content to follow our will, and to be used as we list. Seek not to escape, utter but a cry" (the King had crossed to the window), "make but a motion to open the window, and this dagger is in thy heart!" Said the King: "As for your father's death, I had no hand in it: it was my Council's doing. And should you now take my life what preferment will it bring you? Have I not sons and daughters? You can never be King of Scotland, and I have many good subjects who will avenge my death." Ruthven seemed struck with this, and swore he neither wanted his blood nor his life. Said the King, "What want ye if ye seek not my life?" "But a promise, Sir," was the reply. "What promise?" "Sir," said Ruthven, "my brother will tell you." "Go, fetch him then," said the King, and he assured Ruthven that until his return he would neither call out nor open the window. Ruthven commanded Henderson to watch the King, and departed, locking the door behind him. The King being alone with Henderson, asked him if Gowrie would do him any mischief, to which Henderson said he would die first. "Open the window then," said the King, and while Henderson was in the act of doing so Ruthven entered the room, and swearing there was no remedy, seized the King by the wrists and attempted to bind him with a garter which he had in his hand. The





**Gowrie**  
GOWRIE HOUSE & AD

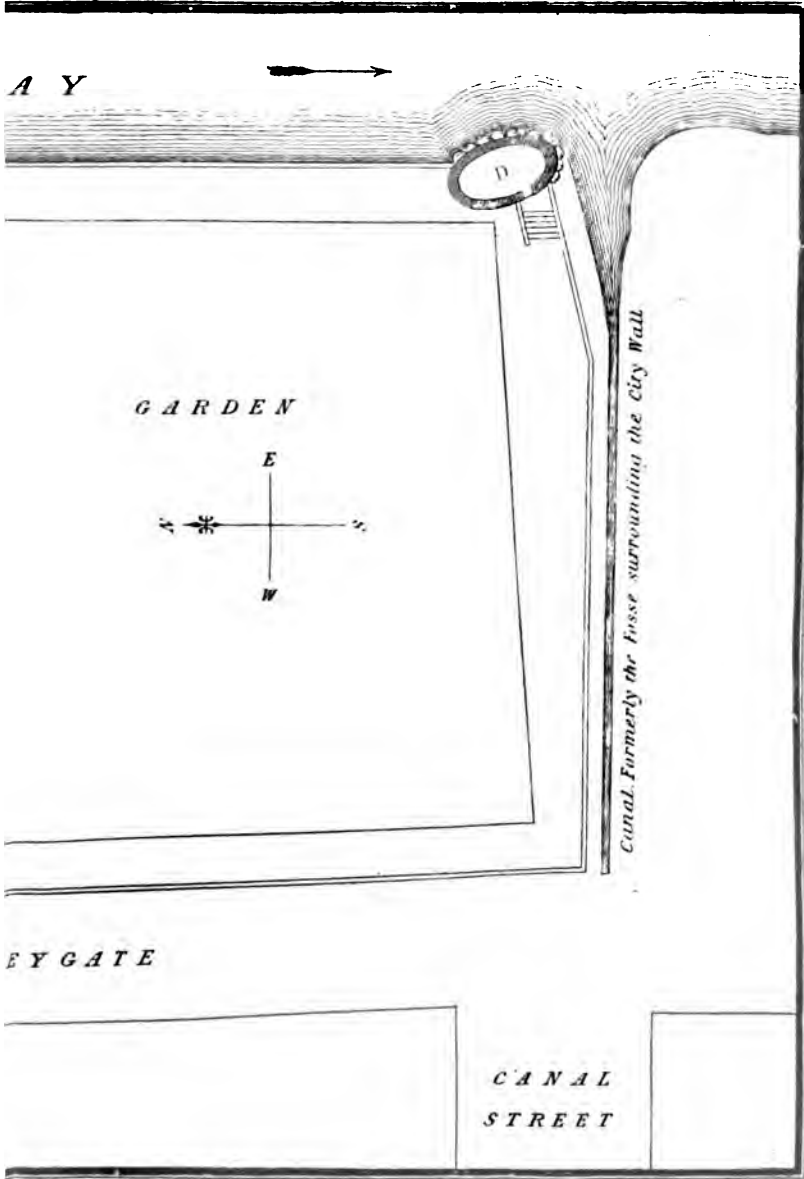


*To face 72.*

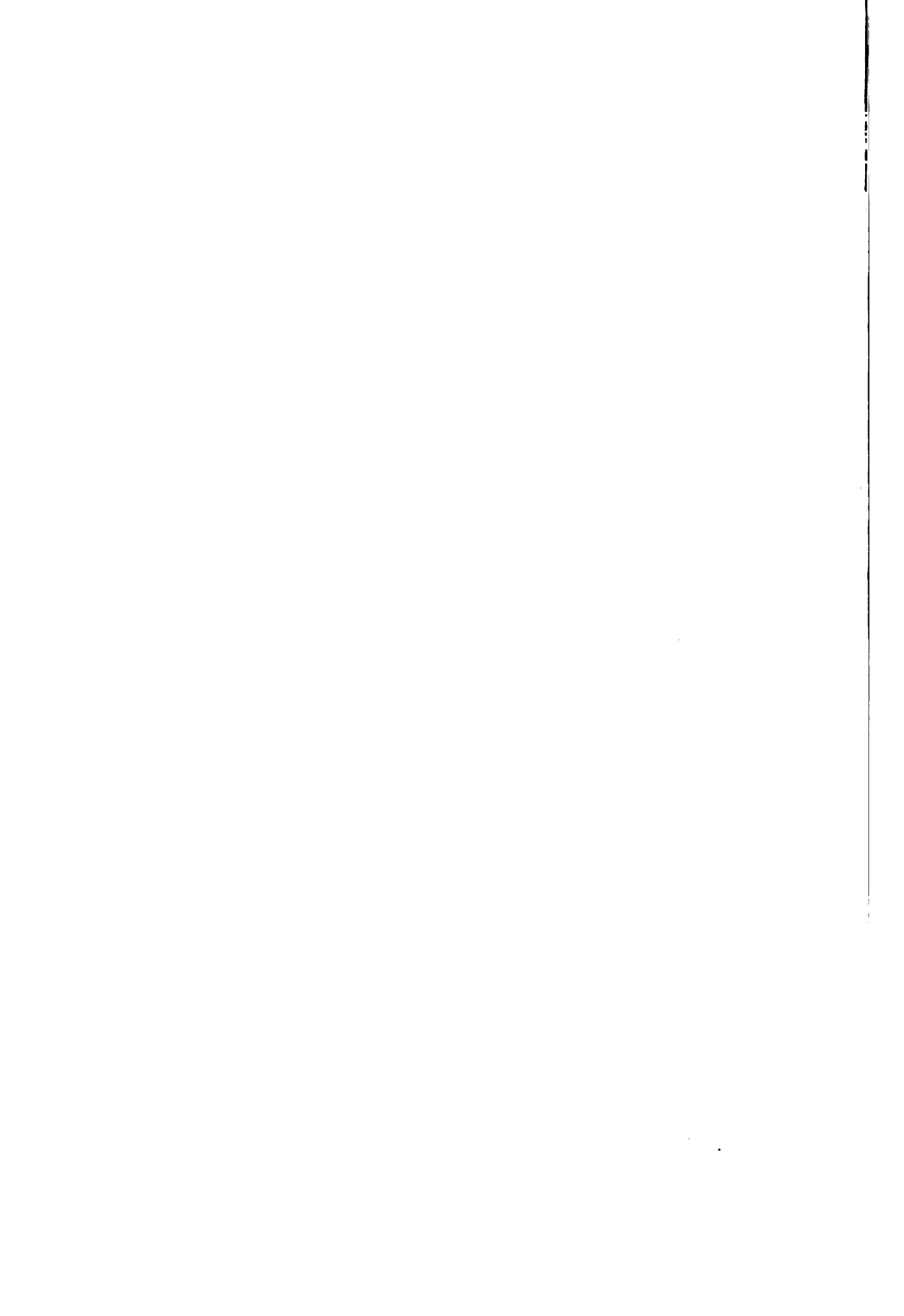
A.A. The ancient portion of Gowrie House, consisting of three floors and attics. B.B. for Artillery. D. The Monk's Tower. G. The Entrance Gate. S leading to the Garden.

**Conspiracy.**  
**JOINING GROUND.**

PLATE I



B. The more modern portion of Gowrie House. C.C. Temporary Sheds, latterly used  
 S.S. Two Turrets. T. The Black Turnpike. I..U. Flight of Steps  
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King was too much for him, and wrenching himself from Ruthven, exclaimed he "was a free prince and would never be bound," Henderson at the same time forcing away the cord. The King made for the window, when Ruthven seized him by the throat with one hand and thrust the other into his mouth to prevent him giving alarm. James dragged his assailant to the window and thrust his head half out, though Ruthven's hand was still at his throat, and cried out, "Treason, help, Earl of Mar, I am murdered." Ruthven dragged him back, and attempted to draw his sword, which the King prevented by grasping his right hand. Henderson supported the King, and, unlocking the door of the room, stood trembling while the King and Ruthven engaged in a desperate struggle. A report was got up by the Ruthvens that the King and his suite had left the Castle by a back door and were riding over the South Inch on their return journey.<sup>1</sup> (This was an ingenious device to entrap the Ruthvens.) In a few minutes the King's cry of treason was heard, and some of the nobles saw the King's face at the turret window with a hand on his throat. Sir Thomas Erskine immediately seized Gowrie, with the words, "Traitor, thou shalt die: this is thy work," but was felled to the ground by Andrew Ruthven. Lennox and Mar rushed up the great staircase to the hall, but found the door locked. John Ramsay, one of the King's suite, ran swiftly up the back stair to the top, dashed open the door of the Round Chamber with his foot, and found the King and Ruthven still wrestling, the King with

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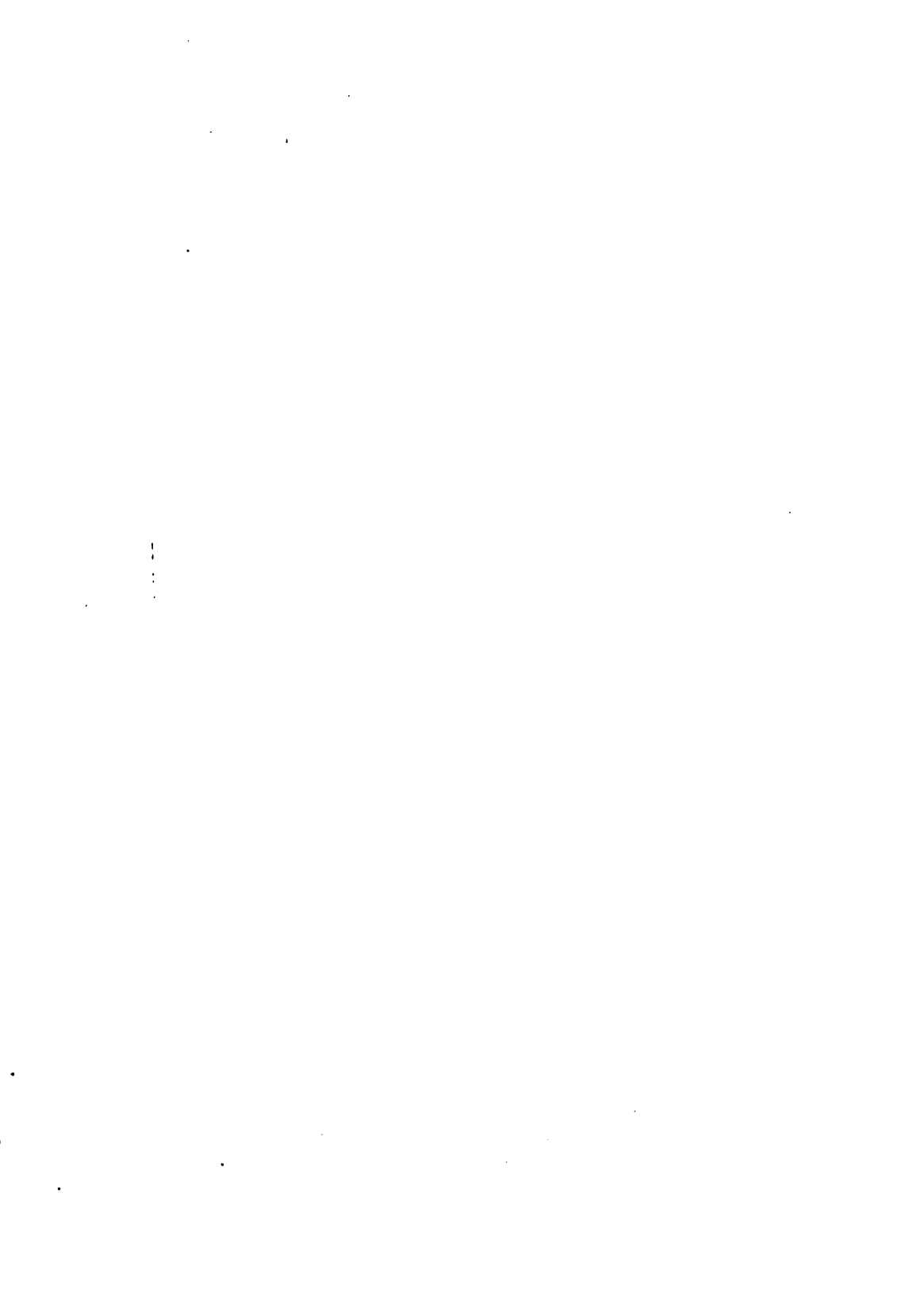
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There are some highly ridiculous touches in this narrative. For example, if Alexander Ruthven wanted to assassinate the King, he had a sufficient opportunity of doing so when he got him into the turret-chamber. Had Ruthven been the conspirator, he would have despatched the King when he had him in that position, and the door of the chamber locked. Ruthven told the King that "he killed his father and must therefore die," and thereupon wrestled

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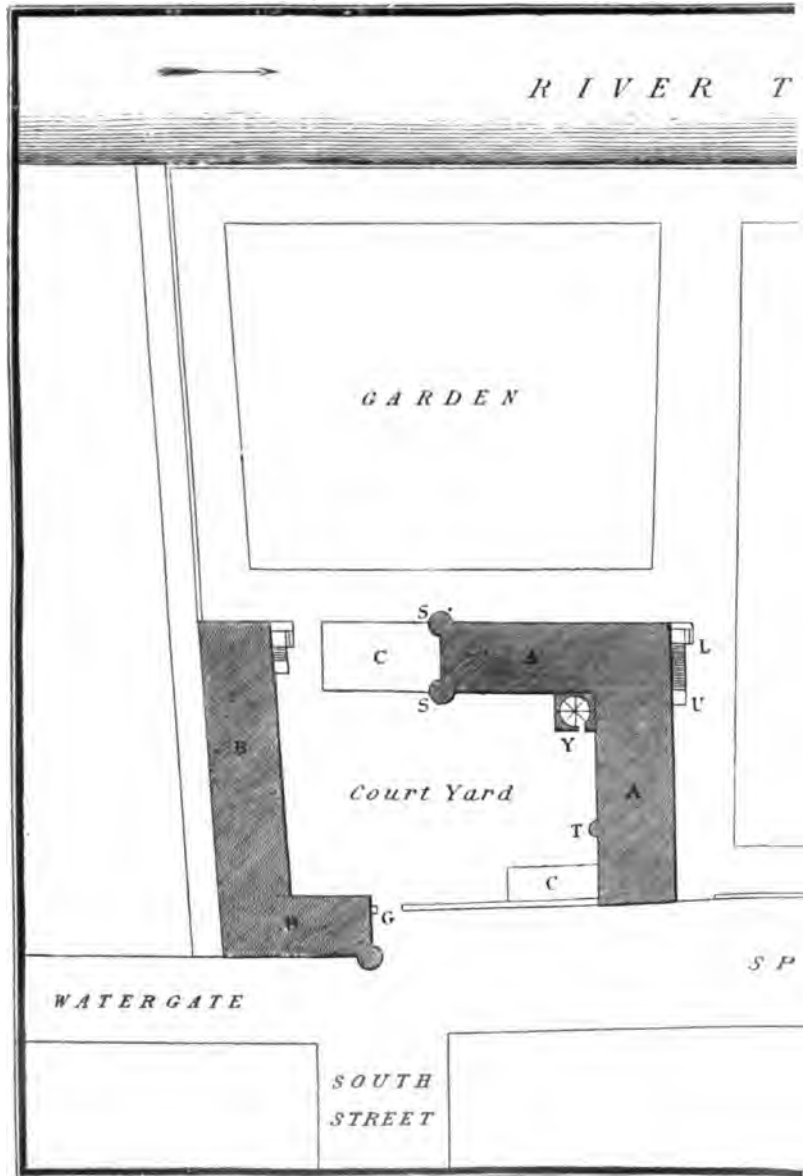


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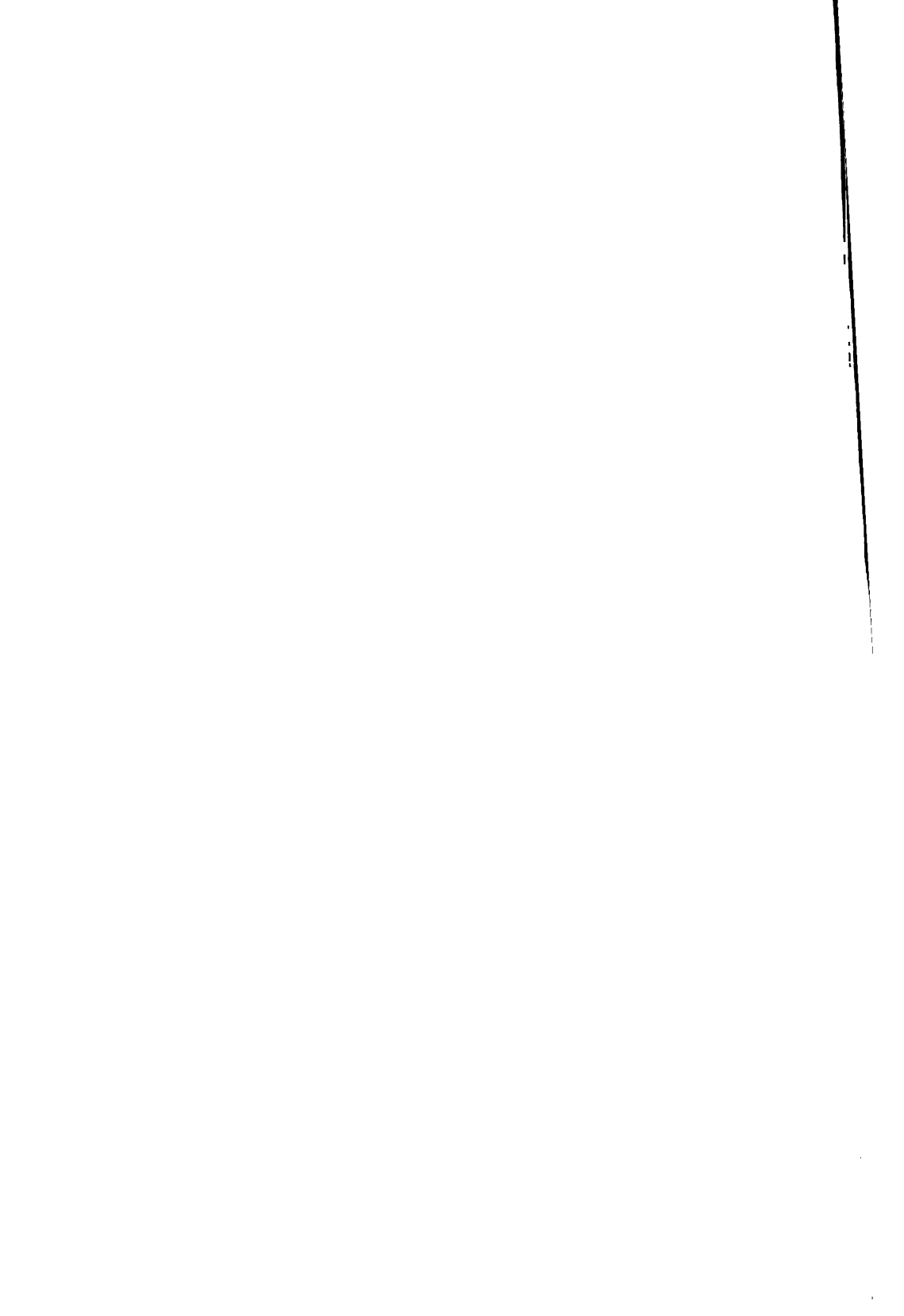
**Gowrie**  
GOWRIE HOUSE & AL



To face 72.

A.A. The ancient portion of Gowrie House, consisting of three floors and attics. B.]  
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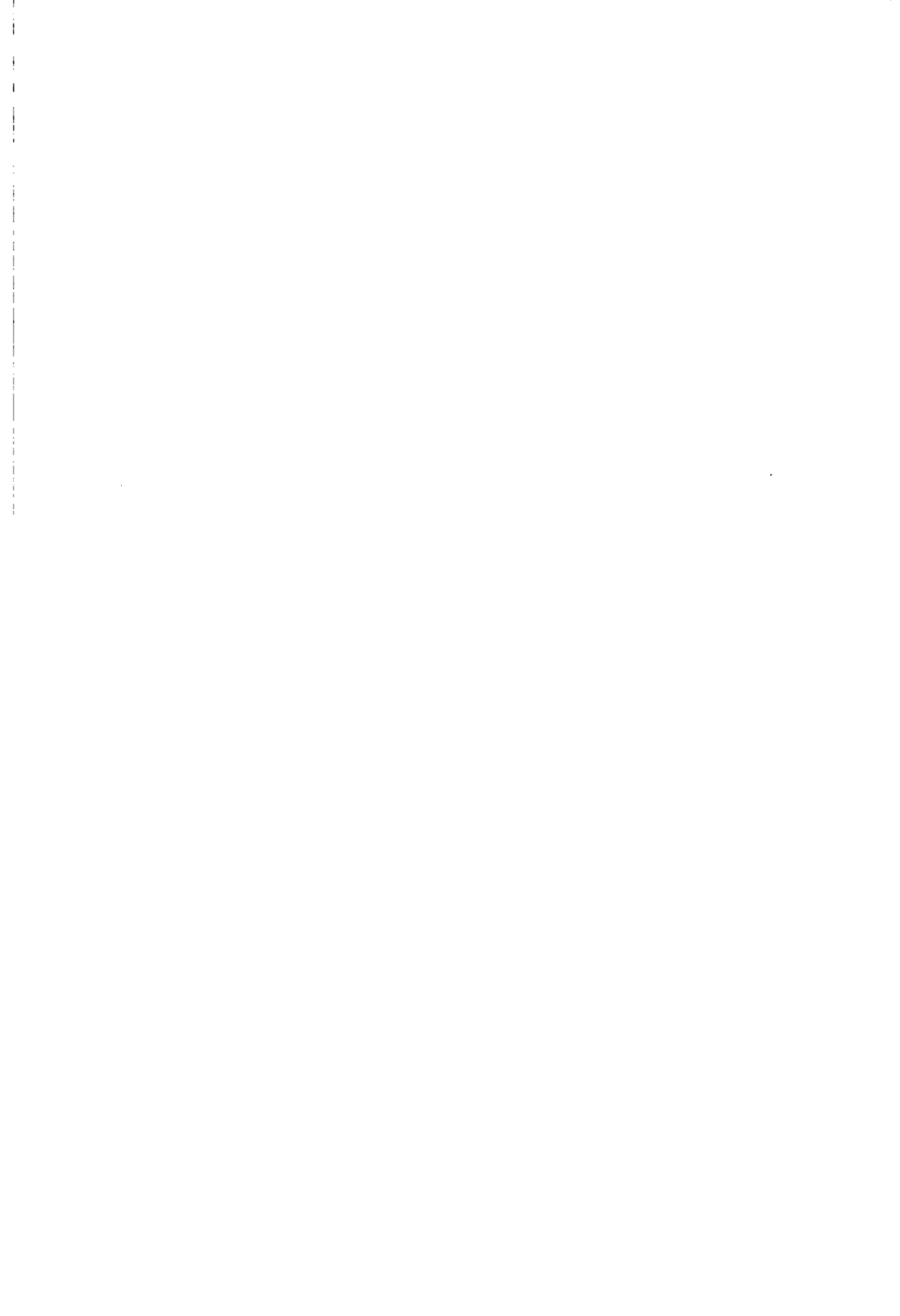
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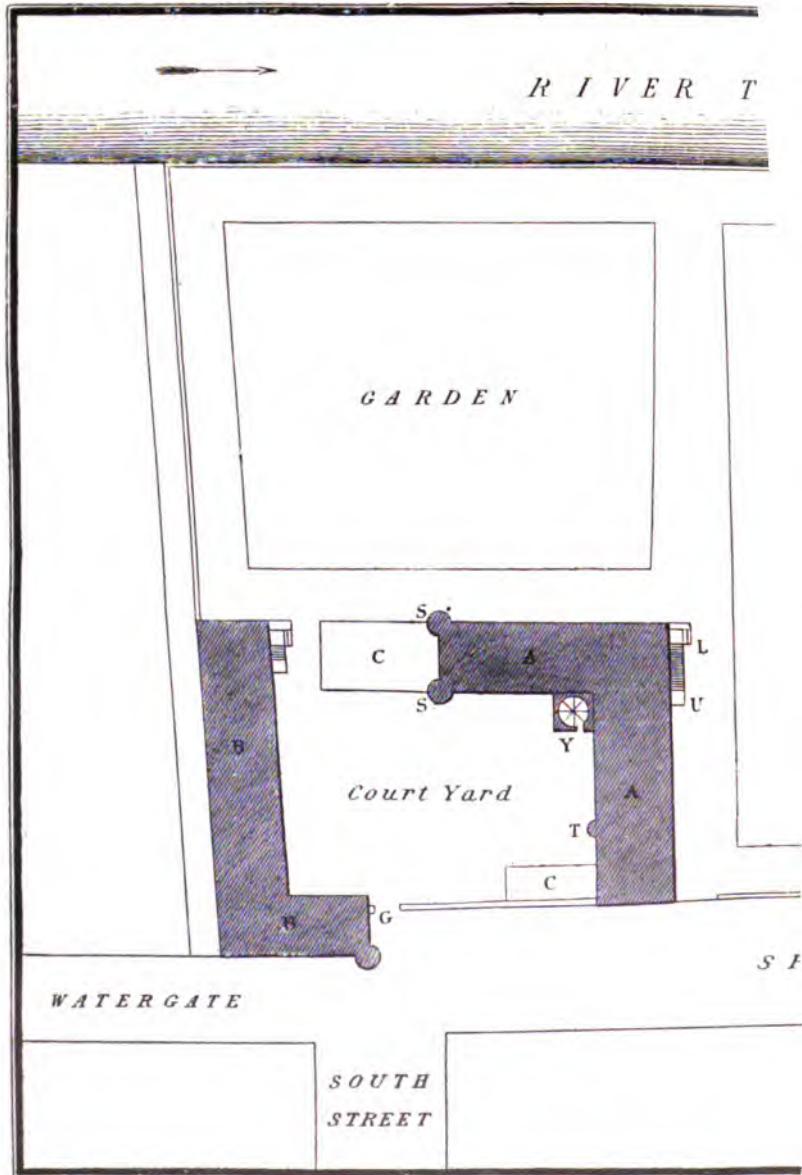
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Gowrie  
GOWRIE HOUSE & AD



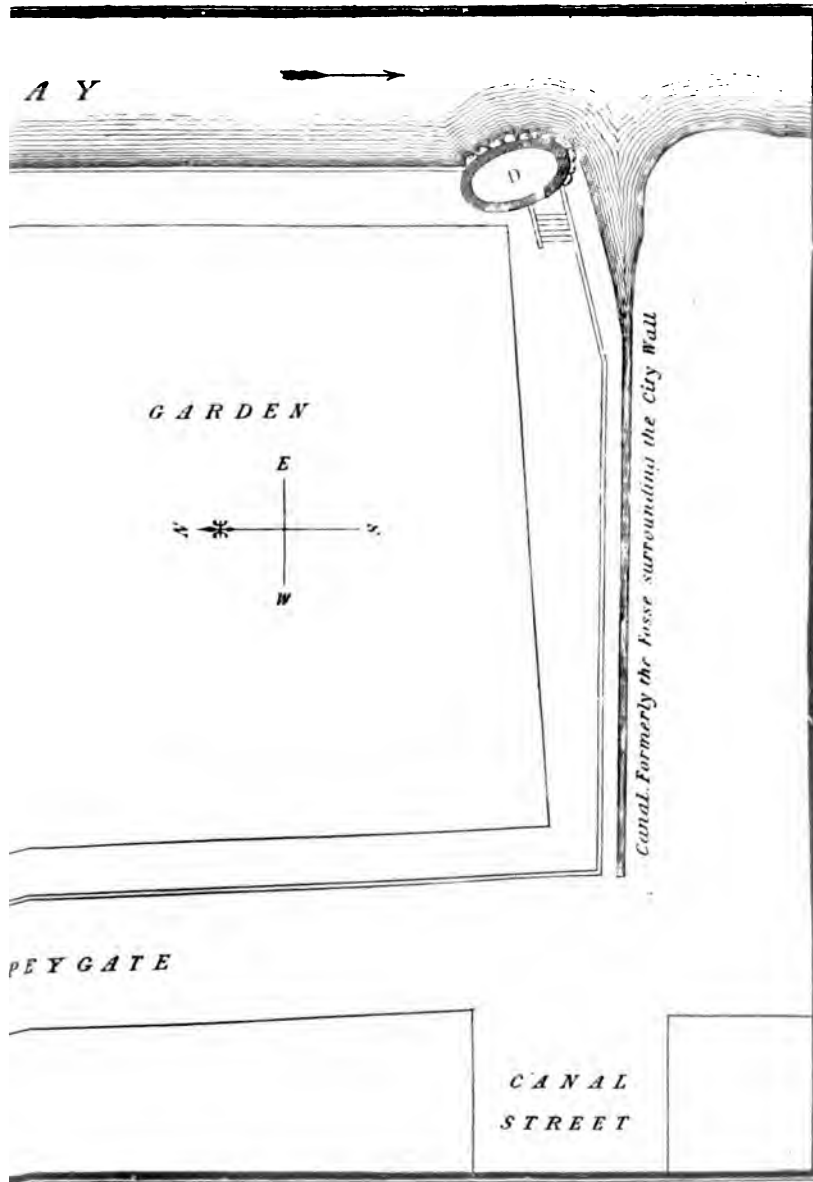
To face 72.

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# Conspiracy.

JOINING GROUND.

PLATE I



B. The more modern portion of Gowrie House. C.C. Temporary Sheds, latterly used  
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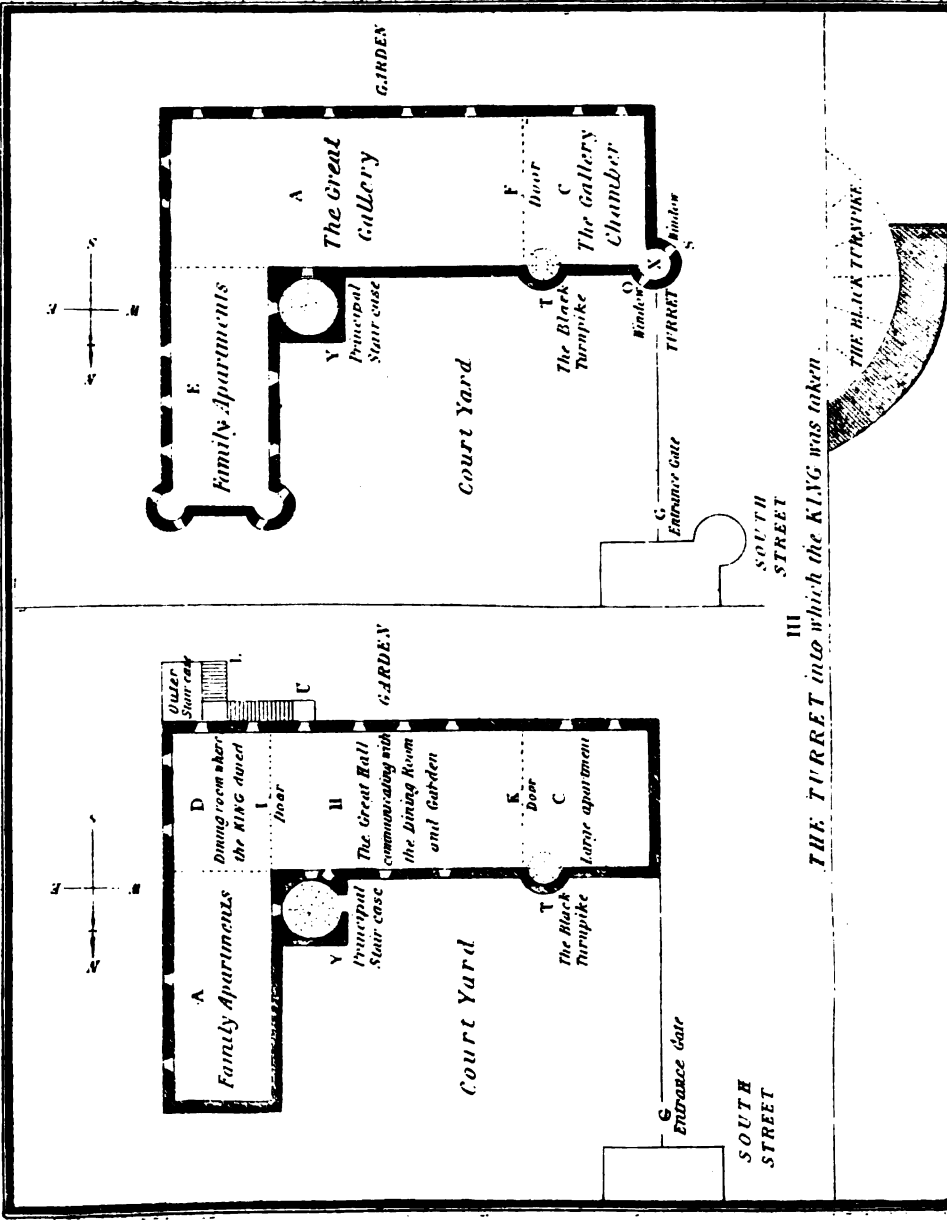


# Bohrer Conspiracy

**I**  
**FIRST FLOOR**  
*above the Kitchen or Ground floor*

**II**  
**SECOND FLOOR**  
*above the Kitchen or Ground floor*

**PLATE II**



# Court Yard

Gallery  
Chamber

C

Window from which the King cried.

K 2  
R 2 H 2

THE TURRET

K R II

Window

Gate.

x  
x  
x  
x

Earl of Mar & King's Suite,  
the Earl of Gowrie &c.

To face 74.

K, R, II—Position of the King, the Master of Ruthven, and Andrew Henderson on their entrance into the Turret and at the commencement of the struggle. K2, R2, H2—Their relative situations at the time the King cried for help. The door at U led by a flight of steps to the Garden. The greater part of the second floor (Plan II.) was occupied by a Gallery A, which extended over the whole of the front of the building. The Turret communicated with the Gallery Chamber. The King, with Ruthven, left the Room D, passed through the Hall II, to the Stair Case V, which they ascended. Sir John Ramsay and others went up the Stair Y into Gallery A. F—Door to the Gallery Chamber which was locked, and they tried to break open. Ramsay then ran up the Black Turnpike T, and entered the Gallery Chamber C. Ruthven was thrust down the Turnpike wounded.

If the King stood opposite the door and looking towards it, then when Ruthven entered and advanced towards him the situation would be nearly that of the letters K, R, II,—K being the situation of the King; R that of Ruthven; II that of Henderson. Here the situation was so far changed that Henderson H2 is now on the right of Ruthven R2 and on the left of the King K2, the two latter being between the former and the window. In this situation Ruthven took hold of the King's throat with his left hand and put his right in the King's mouth to prevent his cries. The window S looked directly to the Spy tower: this was the wrong window, and Henderson went to window O.



with the King ; finally he put his hand in the King's mouth, and attempted to tie him with a cord or garter. Could anything in the circumstances be more grotesque ? If Ruthven decoyed the King into the turret-chamber in order to kill him, is it likely he would waste time discussing the situation ? It is important to notice that it is not even hinted that Ruthven attempted to slay the King, or that he had any intention whatever of doing so. The argument proceeds, "What want ye," said the King, "if ye seek not my life ?" "But a promise, Sir," was the reply. "What promise ?" "Sir, my brother will tell you." "Go, fetch him, and in your absence I will neither cry nor lift up the window." All this seems the merest fable. For Ruthven to leave the apartment at so critical a moment was ridiculous, if he decoyed the King there in order to assassinate him ; but if the King was the conspirator, it was an ingenious touch of imagination, because the King by that means might secure the Ruthvens in the chamber, and in that compromising position the King was not so likely to be suspected, while the Ruthvens would the more easily be despatched ; that is practically what happened.

In the matter of the conversation in the turret-chamber, we are surrounded with difficulty. Assuming that it never occurred, we have the problem of three armed men being there, supposed by one writer<sup>1</sup> to be three servants of Gowrie's, bribed. This is unlikely, and in the circumstances seems impossible to determine. There is nothing but the King's statement for a muffled man being there and his pretended ignorance of who that man was, and

<sup>1</sup> Calderwood.



charging three men with it who all could prove an *alibi*, suggests the idea that the King was withholding the truth. It does not seem probable that any man could be there who was unknown to the King. Evidently it was a device of the King to throw suspicion on the Ruthvens. Henderson's evidence may be put aside as quite unreliable, but it is generally supposed he was the muffled man. It is stated that Ramsay, Herries, and Murray, went up to the turret-chamber as soon as they saw the King's head at the window. This is again the King's narrative, and the question may naturally be asked how far it is true. We do not presume to answer it.

There is no doubt, as one writer states, that if the King had been killed it would have ruined the Gowrie family, seeing the King had openly gone into Gowrie House, and Gowrie would have been accountable for his protection. We are told, as a matter of fact, that the opinion in Perth, from the day the deed was done, was that the King was the conspirator; and that the death of Gowrie was denounced as a cruel murder. Considering that Gowrie was a highly popular Provost of Perth, and that there was no independent evidence, outside the King's narrative, that he was concerned in the conspiracy, the people of Perth were bound to entertain suspicious feelings towards the King.

The King's conduct after the event is not reassuring. The citizens would not believe his statement that the conspiracy was the act of Gowrie, and to such an extent did this feeling prevail, that he had to wait inside Gowrie House on the fatal day till it was dark, and then disappear clandestinely with his escort to Falkland, in order to save his life.

When he arrived at Falkland, the first thing he did was to dismiss on the spot two of Gowrie's sisters who were maids of honour to the Queen. He made a bold effort to pacify the people of Perth by granting them charters and all kinds of privileges; visiting Perth on many occasions, eventually becoming a burgess and signing his name in the book of the Guildry Incorporation and afterwards becoming Provost. The purpose of all this is too transparent, we think, to mislead any one. But the question remains, what was his object in committing this crime, if he did commit it. He was a jealous man. He was Gowrie's debtor for the sum of £80,000; he could not bear a rival to his popularity, while his throne might possibly be in danger. Gowrie, on the other hand, was a scholar, one of the most accomplished men of his time, a favourite at the Court of England, a general favourite in Scotland, and as Provost of Perth was beloved by the people; so much so, that when he left to complete his education in Padua the Town Council of Perth kept him in the Provostship during his absence (six years), and would have no other. This is a compliment that never was paid to a Provost of Perth outside of the Ruthvens either before or since, and it indicates to what extent they were respected in the Fair City. How far the Raid of Ruthven was responsible for this conspiracy it is impossible to conjecture.

If the King was an innocent man, why did he on the 23rd August execute, after a mock trial, the three confidential servants of Gowrie,—Cranston, Craigen-gelt and Macgregor,—all of whom were eye-witnesses of the event. The explanation evidently is that he

about the extravagant proposal of the King, expressing his strong dissatisfaction with it, at which the King fell into a rage and dismissed the Convention.

The King made his position more ludicrous by his desperate and persistent efforts to break the obstinacy of Bruce, one of the ministers of Edinburgh, and those who stood by him. Bruce refused to thank God for the King's deliverance, as he believed Gowrie to be innocent. Then came this scene. The King asked Bruce: "Now are ye yet persuaded? Ye have heard me, ye have heard my ministers, ye have heard my Council, ye have heard the Earl of Mar, touching the report of this treason: are ye yet fully persuaded or not?" "Surely, Sir," says Bruce, "I would have further light before I preached it to persuade the people. If I were but a private subject, not a pastor, I could rest upon your Majesty's report as others do." Then the King asked Balfour, another minister: "Are ye fully persuaded?" He answered: "I will speak nothing to the contrary, Sir." "But are ye not persuaded?" says the King. "Not yet, Sir," said he. Watson, another minister, answered after the same manner. Balcanquhal, another minister, said that he would affirm all that David Lindsay said from the pulpit in presence of His Majesty yesterday. "What said Mr. David?" says the King. "Mr. David founded himself upon your Majesty's report and a faithful rehearsal of it; and so shall we." "Think ye," says the King, "that Mr. David doubted my report?" "No; David was sent from the Continent." They said unto him: "Are ye not certainly persuaded of this treason?" "Yes, Sir," said he, "I am persuaded in conscience

it." "Now," says the King, "Mr. Balcanquhal, are ye truly persuaded?" "Indeed, Sir," said he, "I would have further time and light." The King asked John Hall, another minister: "Are ye fully persuaded?" He answered: "I would have the civil trial going before, Sir, that I may be persuaded."

In a second interview with Bruce, the King referred to his secretary, Sir Thomas Erskine, to satisfy the obdurate minister about the facts. "As for Sir Thomas Erskine," said Bruce, "I trusted him in a part; but there were other things that I thought hard." "What was that?" said the King. "That part which concerned the Master of Gowrie and your Majesty." "Doubt ye of that?" said the King, "then you could not but count me a murderer." "It followeth not, if it please you, Sir," said Bruce, "for ye might have some secret cause." The King urged him to preach the articles which were sent to him. Bruce said he had given his answer already to those articles, and had offered to the ambassadors that which all men thought satisfactory far more than preaching. "What is that?" said the King. "That I will subscribe my resolution," said Bruce. "Trust you it," said the King. "Yes, Sir," said Bruce. "If ye trust it, why may ye not preach it?" said the King. "I shall tell you, Sir," said Bruce. "I give it but a doubtful trust, for I learn this out of Bernard—in doubtful things to give undoubted trust is temerity, and in undoubted things to give a doubtful trust is infirmity." "But this is undoubted," said the King. "Then bear with my infirmity," said Bruce. "But ye say it is more than preaching," said the King. "Sir, I ought to preach nothing but the word of God," said Bruce. "Obedience to the princes, suppose they are

wicked, is the word of God," said the King. "I will lay a wager that there is no express word of King James VI. in Scripture. Yet, if there be a King, there is a word for you also."<sup>1</sup>

At a third interview with Bruce, "Ye must subscribe my innocence," said the King. "Your own conscience, Sir, can do that best," said Bruce; "it is very hard for me to do it." "Why is it hard?" said the King. "Had ye a purpose to slay my lord?" said Bruce. "As I shall answer to God," said the King, "I knew not that my lord was slain till I saw him in his last agony, and was very sorry, and prayed in my heart for the same." "What say ye then concerning Mr. Alexander?" said Bruce. "I grant," said the King, "I am art and part of Mr. Alexander's slaughter, for it was in my own defence." "Why brought ye him not to justice?" said Bruce, "seeing ye would have had God before your eyes?" "I had neither God nor the devil before my eyes, but my own defence," said the King.

The attitude of Bruce does him great credit, particularly the independent way in which he addressed the King, and the firm and unflinching position he maintained during the entire discussion.

The Town Council were ordered to hold a court of inquiry, which they did, and of 355 persons examined, "the greater portion had nothing to tell." Why so is not stated, but may be conjectured. If there was a conspiracy, it is necessary to suppose that there were several persons in the plot prepared to support the principal actor. At any rate, it is certain that the people of Perth did on that occasion

<sup>1</sup> Hill Burton's History of Scotland.

show strong attachment to the Gowrie family, and by their behaviour indicated that the death of Gowrie and his brother was a cruel murder. One would have imagined that their resentment of the deed would have induced the King to keep at a distance from Perth and to banish all thoughts of it for years to come; but before three months were over, to find him heaping honours and riches on that very city where such a horrid plot had been contrived, was so far the King's policy of bravado. The heaping of these honours on the Ancient Capital was to show "his gratitude for his miraculous deliverance," and to convince the people that he was an innocent man: these honours would further show his high sense of appreciation of his wonderful escape. The next act of the drama was the examination of witnesses in order to prove Gowrie's guilt. Under the presidency of the Lord Chancellor, the Court met at Falkland on the 6th August, four days after the event. A second Court met there on the 20th August, presided over by the Lord Chancellor. Among the witnesses examined were the Duke of Lennox, Earl of Mar, Andrew Henderson, the Abbot of Inchaffray, Abbot of Lindores, Sir Thomas Erskine, Sir John Ramsay, John Graham of Orchil, John Graham of Balgowan, Andrew Roy, bailie of Perth, George Hay, Prior of the Charter House, etc. (Lord Kinnoull). These were supporters of the King, and it is not difficult to see what would be the scope of their evidence. Such a volume of depositions against Gowrie would no doubt be intended to influence the people at the time. The evidence is worthless in respect that it is not the testimony of independent men, but of mere partisans of the King.

On the 22nd September the Town Council held another Court in order to take some precognitions. This Court was presided over by the Provost, and was to receive the testimony of the whole inhabitants. None of the witnesses were in Gowrie House, consequently they could only speak to the circumstances from second hand.

But evidently the tragedy was not yet played out. The vindictive spirit of the King was not appeased. In order to divert suspicion completely from himself, he must have their dead bodies exhibited in Parliament in order to receive sentence. Consequently, on the second day after he returned to Falkland, he sent the following dispatch to the Magistrates of Perth: "As John, Earl of Gowrie, and Alexander his brother, being in the actual execution of a horrible and traitorous conspiracy against the King, it has pleased God most miraculously to deliver His Majesty from their intended treason and to turn their traitorous practices upon themselves, who have deservedly suffered death, as they were in the actual pursuit of His Majesty's person. Wherefore it is necessary that the bodies of the said Earl and his brother be kept and preserved pending further investigation of the matter. Therefore charges the bailies of Perth to preserve and keep the bodies unburied until they know the King's pleasure as they shall answer to His Majesty on their highest peril." Then follows a charge to the keepers of the Earl's Castles of Ruthven, Strathbraan and Gowrie House, to deliver the same with goods and gear with inventory to the King's treasurer and that they "remove furth thereof within six hours after the charge under pain of treason and if they fail, to be denounced as traitors and

proceeded against according to the laws of the Realm." On the 1st November the posthumous trial of Gowrie and his brother took place at Edinburgh and their dead bodies were transmitted from Perth and placed at the bar; an appalling spectacle. The trial appears to have been adjourned till the 11th, and on the 15th the Court of Parliament, presided over by James VI., announced that "John, Earl of Gowrie, and his brother, Alexander Ruthven, committed the crime of treason against the King in manner as contained in the summons: and therefore decrees and declares the name, memory and dignity, of John, Earl of Gowrie, and Alexander, his brother, to be extinguished, and their arms to be cancelled, so that their posterity shall be unable in all time coming to possess or enjoy any offices, dignities, honours, possessions, hope of succession within this nation which in any way pertained to John, Earl of Gowrie, and Alexander, his brother, the same to be confiscated, and in all time coming to remain the property of his Majesty for ever. His Majesty and Estates, in detestation of the said horrible, unnatural, and vile treason, attempted by John, Earl of Gowrie, and Alexander, his brother, against the King's life, decrees and ordains that the bodies of the said traitors shall be carried on Monday next to the public cross of Edinburgh, and there hanged, drawn, and quartered in presence of the whole people, and thereafter the heads, quarters, and carcasses to be affixed to the most public places in Edinburgh, Perth, Dundee, and Stirling. And this I give for doom."

It will be noticed that this is the Scottish



Parliament, an assembly that was entirely controlled by the King. The persistency with which Gowrie is charged as a conspirator, and the extreme cruelty and brutality of the sentence, manifests the King's unforgiving and relentless temper; and what is to be said if he was himself the conspirator? Three centuries have passed away, and posterity has failed to be convinced of any crime committed by young Gowrie against the King.

James would doubtless be aware that his relative, the Regent Moray, acted in precisely the same manner in respect of the body of Lord Huntly, so that the diabolical deed from constitutional practice would probably to him be bereft of its shocking nature. Though we have a record of the executions of the time, there is every probability that a large number of persons were executed of whom no record whatever has been handed down to us. Lord Hailes, who also formed his opinion on the King's narrative, informs us<sup>1</sup> that by an Act of the Privy Council the Magistrates and Town Council of Perth were summoned to appear before the King on the 16th September, 1600, at Linlithgow, to answer for the contempt and indignity done to his Majesty. That Act makes mention of certain irreverent and undutiful speeches against the King. According to Calderwood, Alexander Ruthven of Freeland called up to the King, "Come down, thou son of Signor Davie, thou hast slain an honest man than thyself," and George Craigengelt and others cried, "Give us our Provost, or the King's green coat shall pay for it."

The ingenuity of the King was still further

<sup>1</sup> Hailes' Annals, III. 374.

illustrated in a mortification of £1,000 per annum to the poor for his miraculous deliverance. Having given the Magistrates of Perth instructions not to bury the bodies of the Ruthvens, he ordained this sum to be paid to the poor out of his revenues of the Abbey of Scone. The announcement was dated at Holyrood, and was in the following terms: As the death and destruction of the King was traitorously attempted by John, Earl of Gowrie, and his brother, it pleased God, who ever has carefully watched over the King's person most miraculously, to deliver and free his Majesty from that danger and peril, with the due punishment of the said traitors and conspirators. For which deliverance his Majesty and all dutiful and loving subjects has good cause to continue thankful to God. So his Majesty has resolved that in perpetual memory of the said happy deliverance he shall make a special mortification to the poor of £1,000 yearly out of the revenues of the Abbey of Scone which have now fallen into his Majesty's hands (by confiscation!). The King remits the matter to the Lords to carry out. Then follows the disposal of the Gowrie estates: The King and his Council have concluded that the three gentlemen who under God saved his Majesty's life shall be honourably rewarded according to their merit by Parliament, and the causes whereby they have deserved their reward shall be engrossed on their infestments. The next matter the King gave his attention to was those five ministers who ventured to have an opinion of their own about this conspiracy. We are informed that at a meeting of the Privy Council on 12th August it was resolved and declared that those five ministers are not worthy

to speak or preach publicly to his Majesty's people, and the King and the Lords have discharged them of all speaking or preaching hereafter publicly in this realm under pain of death, and command them to remove furth from the burgh of Edinburgh (their home) within forty-eight hours, after the date hereof, and not to reside within ten miles of Edinburgh under same penalty. Other five ministers were substituted for those unfortunate ones. We are informed, however, that four of the five ministers forswore themselves rather than be excommunicated, and at the following Privy Council meeting held at Stirling they made a pitiable exhibition of themselves. The Privy Council meeting records that, excluding Bruce, the other four appeared in answer to a summons, and confessed that they were now persuaded of the treasonable conspiracy against the King. Thereupon they were ordained to visit various parts of the country and preach to the people, and in their sermons to make a declaration of their own assurance of the truth of the treason, and crave God and his Majesty's pardon for being so slow in believing. Bruce does not appear to have attended this meeting, but he appeared before the King and Lords of Secret Council at Edinburgh, and admitted that he still continued doubtful and not thoroughly convinced of the conspiracy against the King. The Council resolved that they cannot allow distrustful persons to remain within the country, and therefore ordain Robert Bruce to depart furth of the realm, and not return without the King's authority, under pain of death. What became of Bruce from this date up to 1605 is not recorded, but he never resiled from the position he had taken up, viz., that

the King was the conspirator. The King's conduct to him was brutal, as the following deliverance will show. Bruce was determined to lay down his life rather than perjure himself.

HOLYROOD, *15th August, 1605.*—Forasmuch as the detestable and horrible treason conspired by the traitor Gowrie and his brother against the sacred person of the King, is evident to the consciences of all His Majesty's subjects; also that His Majesty has given clear testimony for removing the distrust of those who by curiosity, sentiment, or preposterous opinions, were carried away in this matter: nevertheless, Robert Bruce, having a sinister distrust and opinion of His Majesty's sincerity in that matter, notwithstanding the evidence which might reasonably have been given to satisfy him therein: he has continually remained constant and resolute in his distrust, and by his behaviour in private and public meetings and conferences, he avows his distrust, drawing away thereby simple and innocent persons to listen to him and in some respects to favour his opinion. For which he being justly and deservedly banished from this realm, and unworthy to reside in his native country, yet the King who, in his actions, especially with the clergy, has ever been a considerate and merciful prince, saving rather by fair and gentle means to move them to be conformable, than by execution of the law to punish them, recalled him, hoping that at length he should have acknowledged his error, and given His Majesty satisfaction. His Majesty, seeing clearly that neither time nor any other thing can move the said Robert Bruce to frame his opinions to the truth . . . and that he sometimes criticises the proceedings of His Majesty's Privy Council and sometimes censures the doings of the ministers, creating thereby factions and divisions in the Kirk and discontent in the present Government. His Majesty, therefore, has just cause to take steps with him, and to exile him from his dominions. His Majesty, following his usual practice, and desirous to

abstain from extremity which Bruce justly merits, ordains him to be imprisoned in Inverness during His Majesty's pleasure, and at his own expense under pain of rebellion.

For some years poor Mr. Bruce had to suffer all the miseries of a miserable gaol, and on 21st February, 1611, the King, vindictive and cruel as ever, issued the following edict:—

Three years ago or thereby His Majesty being informed that Mr. Robert Bruce, minister, was visited with infirmity and sickness, was pleased to grant him license to repair from Inverness to Aberdeen and to remain there a certain time whereby he might have the help and advice of a physician for the recovery of his health; His Majesty's intention and meaning being at this time that he should return and go back again to his former ward as soon as restored to health. Within the past three months, and without His Majesty's knowledge, he has withdrawn himself from Inverness to Aberdeen and has there settled himself and his family against His Majesty's intention. The Lords ordain him to return to his former ward in Inverness within twenty days after the charge, and to remain there during His Majesty's pleasure under pain of rebellion.

This appears to be the last entry in the Record respecting Bruce.

As early as July, 1608, Henderson had written a strange rigmale of a letter to the King, hinting some accusation of disloyalty against Lord Scone. The letter, the wording of which is extremely obscure, is given in Pitcairn, and is followed by a letter of exculpation from Lord Scone to the King, and another in the same strain from Lord Scone's nephew, Sir Andrew Murray of Balvaird, who was involved in the business. The purport of the exculpation is that

Henderson's accusation had been got up by mangling or misinterpreting a letter which Sir Andrew Murray had written to his uncle, four and a half years before, informing him of a certain suit of his in which Henderson also was interested :—

As soon as the letter came into my hands (says Lord Scone), I sent it to Henderson to the effect that he should take no exception of my goodwill, albeit I had refused to pay his gift in respect of the promises; but I assured him I would ask your Majesty for a benefit to him, which I did, and obtained, viz., 700 merks yearly, what he still receives, which was thought by many to be more than he deserved. Yet in respect that he did your Majesty no harm being where he might have done it (in the turret chamber) if God had not been your Majesty's better friend; and ever since that time I have retained him in my service, and have protected him and ever shall. Your Majesty will know in good time that this is not come from Henderson (he is but the tool of others), for he was never very wise, and he has lost a good part of his wit which he had. He is not his own man, for which I am sorry, and in your own time your Majesty will know how this comes, from whom and how this poor man has been abused.

There is still a very significant communication to reproduce before we are done with this mysterious story. It occurs in the Privy Council Register for 1612, and relates to Henderson, who was supposed to be the muffled man in the Turret Chamber :—

Forasmuch as Andrew Henderson, Chamberlain of Scone, repairing lately to Court on pretence of making some accusation against Lord Scone, and His Majesty thereupon appointed them to be heard and confronted together, and no just cause being found by Henderson against Lord

Scone, yet His Majesty was of new importuned by Henderson complaining of things which did not belong to him so that it clearly appeared to be conceived malice that was the cause. Therefore the Lords of Secret Council ordain Henderson to retire to his house of Lawton within twenty-four hours and remain there or within a mile of it and not to go beyond the said bounds without His Majesty's authority under pain of rebellion.—Edinburgh, 14th May, 1612.

Nearly four years had elapsed since this first skirmish between Henderson and Lord Scone; and now in May, 1612, there is another, either on the former ground or on some new one. Doubtless Henderson was still trading on the recollection of his part in the Gowrie Conspiracy, and wanted some thing more on that account than either Lord Scone or the King thought reasonable.<sup>1</sup> For what reason was Henderson receiving from the King 700 merks per annum? Simply, as Lord Scone put it, "that he was trading on his recollection of the Gowrie Conspiracy." It would seem evident from the tenor of the official paper that the King bribed Henderson on the day of the conspiracy to do what he did, and because he obeyed the King's command and took the King's place in the turret chamber, he was presented with 700 merks per annum. This paper throws additional light on that mysterious event, light that condemns the King. Notwithstanding that Henderson was Gowrie's servant, it is evident from this paper that the King bought him over and was deeply indebted to him, seeing that in addition to 700 merks Lord Scone was to protect him for the rest of his life.

<sup>1</sup> Privy Council Register—Masson.

In reviewing the Gowrie Conspiracy, we are met at the threshold with the impossibility of reconciling the official narrative with the testimony of men whose word cannot be called in question. A prominent feature is the prompt disapproval of the King's conduct by the inhabitants of Perth, which showed itself on the very day of the commission of the deed. The high character of Gowrie and his brother seems to have been regarded by them as unassailable. But for the King's superior forces a riot would undoubtedly have taken place. This fact is significant, as is also the fact that those who suspected Gowrie were in the King's service and receiving the King's pay.

An important statement is made by a local writer,<sup>1</sup> that when the Royal suite was assembled in the street in front of Gowrie House to follow their master to Falkland, the King was to give the alarm that his life was in danger. His confidential servants were to ascend by a private staircase and kill the brother. They were next to kill Gowrie when he came armed. This is a statement of importance, coming from a writer who, probably more than any man, has studied and written elaborately on the history and antiquities of Perth.

Another local writer says <sup>2</sup> that Gowrie was attending a marriage when the King arrived, and was so much concerned about a dinner for him that the wedding dinner was at once offered him for the King's use. It is impossible to verify this statement, but if true it is another proof of Gowrie's innocence. Had he been connected with the conspiracy, or had he even known of it, he was not likely to have gone to a

<sup>1</sup> James Scott.    <sup>2</sup> Alexander Duff.



marriage on the very day it was to be carried out. It has been suggested that the separation of the brothers was part of a pre-arranged scheme, as a stratagem that would more easily effect their assassination. The idea, if true, was ingenious, and does credit to the villainy of those concerned.

Gowrie was in every respect a greater favourite than James. Even at the English Court he was esteemed by all, including Elizabeth herself; and as he gained in popularity, the breach between Elizabeth and James gradually became wider. It is reasonable to suppose that a man of the temperament of James, finding one of his subjects evidently overshadowing him, would feel more than chagrined, he would feel desperate. Gowrie was entertained by Elizabeth for two months, and he found the English Court very congenial to him. When he arrived at Edinburgh from England (three months before the conspiracy), his enthusiastic reception by the nobility and people was quite extraordinary. James was an onlooker. He could not but see that he was relegated to a back seat, and that the eyes of his subjects were directed to this young nobleman, believing, no doubt, that it was only a question of time when he should become James's principal Secretary of State and *ipso facto* governor of the realm. Immediately after the conspiracy the relations between Elizabeth and James began to be less strained, Gowrie being out of the way. Elizabeth, who was an accomplished dissembler, threw aside her interest in Gowrie, congratulating James because Gowrie was removed, having, as she said, "1,000 spirits with him she believed there would be few left in hell." This speech indicates no strained relations. The formation of the conspiracy with all

its secret negotiations has been studiously kept in the dark. That it involved correspondence and secret negotiations is beyond doubt, but all this has evidently been destroyed. The Logan Letters we may dismiss as pure inventions, and we have then nothing to fall back upon on which to form judgment save the attitude of the King and his Court at and after the event. This brought out unmistakably the suspicion of a portion of the clergy—those who refused to offer up prayers for the King's deliverance. In taking up that position these men cannot be too highly commended. They knew they were hazarding their lives, while their desire for the discovery of truth would not allow them to perjure themselves by becoming hypocrites. They realised that the subject was delicate on account of the King's connection with it, and they therefore abstained from entering into debate. Of the five we have named, four eventually forswore themselves at the prospect of imprisonment for life.

Great sensation was created by this event, and the Magistrates of Perth, realising that public attention in Scotland and at the English Court was directed to them, felt that their position was one of great anxiety and responsibility. What were they to do? They were not, according to the laws of the realm, able to act independently of the King. They summoned, by the King's instructions, a Court for the examination of witnesses—bribed witnesses we may be sure. The result was that every man who went there gave testimony against Gowrie and in favour of the King. Nothing else was to be expected; evidence against the King would have meant the scaffold.

It seems evident that the so-called Gowrie Conspiracy was falsely recorded by James VI.; that his narrative is supported by *ex parte* depositions of men evidently nominated by himself, but unsupported by the testimony of a single independent witness; that the conduct of the Ruthvens, even by the King's own showing, does not prove that they were guilty of conspiring against him; that no manifestation of enmity was shown by Gowrie and his followers to the King so far as can be discovered; and that the King was himself evidently the prime mover in order to abolish the house of Ruthven, root and branch, from the realm or kingdom of Scotland.

The most substantial reason for this atrocious event that seems to suggest itself after a careful study of the circumstances is the King's indebtedness to Gowrie, amounting to £80,000. The conspiracy not only cancelled this obligation, but it gave the King the whole estates, which would be a matter of vast importance to an avaricious man like James, and in his estimation quite sufficient to warrant a conspiracy.

By an act of sederunt of the Court of Session dated June 20th, 1600, the King on Gowrie's return to Scotland appears to have been his debtor to the extent of £80,000. To this extent Gowrie had burdened his estates. It is suggested that James never intended to pay this debt, and this may be apprehended from the following letter from Lady Gowrie to Lord Balmerino, 2nd November, 1600, in which she desires him to bring the matter before the King. She appeals for her bereaved daughters whose estate is very desolate, and for help for herself to meet creditor's claims. "I am so overcharged

with the payment of annual rents for his Majesty's debts, contracted during the time of my husband being Treasurer, which loans were taken on my fee lands, that I am scarcely able to entertain my own estates, much less to bear the burden of others." The King wanted to borrow more money, viz., £40,000, and it is not to be wondered at that at the Convention at Perth, when it came up, Gowrie should in such strong terms have opposed it:—"It was not consistent with his Majesty's dignity to ask more than the country could give, and to expose himself to the humiliation of a denial; neither was it consistent with a proper regard for the honour of either the King or the country to reveal the poverty of the land."

We have not been able to verify the £80,000, but we find the following entry in the MS. Act of Sederunt, vol. iv., 20th June, 1600, or six weeks before the Gowrie Conspiracy:—The King understanding that William, Earl of Gowrie, during his treasurership was forced for the honourable discharge of his Majesty's affairs and the weal of the Realm to burden himself and his estate with great sums of money and that at his last balance 10th May, 1583, he was super-expended £48,063 4s. 8d. sterling; the King has specially ordained at the date of the said balance that the Earl should not be troubled or charged with the payment of any sums of money until he has first been completely paid the said super-expenditure. The King understanding since his decease that John, Earl of Gowrie, his son, has paid several sums of money to those who advanced it although the King has as yet made no payment, and that it is not possible for the Earl to

make further payment to his father's creditors at present: the King with the advice of the Lords and the Senators of the College of Justice ordains that the Earl should in no wise be charged with payment of his father's debts for the space of a year after the date hereof. In the meantime the King may see the Earl satisfied of the said super-expenditure resting owing by his Majesty, and therefore discharges the Clerk Register of all extracting or giving extracts of the said expenditure: and the Lords and Senators of the College of Justice declare that they will not grant any letters or charges at the instance of anyone against the Earl of Gowrie or his cautioners or tenants, for the space of a year to come, and in the meantime suspend all letters of horning, arresting, etc., during the foresaid space. (Before the Union the Scottish peers were liable to be arrested for debt.)

Whatever may have been the reasons which induced the King to issue this ordinance, it is evident on the face of it that Gowrie's creditors, who had advanced money to enable him to finance the King—on the security of his estates—were pressing Gowrie for repayment. In these lawless times no one could blame them, and in the circumstances, Gowrie would be compelled to bring pressure to bear on the King. This ordinance was evidently the King's answer, and throws a lurid light on his conception of his lawful obligations and responsibilities.

In place of endeavouring to meet these, and satisfy men who came forward honourably and supplied him with money at a time when he urgently required it, he ordained the law officers of

the Crown to prevent them preceding with any action to recover what he owes them. It is not recorded, but it is highly probable that a high-principled man, as young Gowrie is known to have been, indignantly resented this conduct of the King, and at the expiry of twelve months' grace would probably take steps to compel the King to respect his obligations. Whether these relations led to the unfortunate conspiracy is a controversial question, but the whole circumstances appear to us to point to an affirmative answer.

In 1591, the young Duke of Lennox fell violently in love with Lady Sophia Ruthven, Gowrie's sister, and by the King's order she was secluded from him at Easter Wemyss, Fife. The Duke crossed the Firth on April 19, took the lady out of her house and carried her away on his own horse, travelling all night. In the morning he married her, contrary to the ordinance of the kirk, and the King was displeased. The young lady died in May, 1592, having enjoyed her married life only a year.<sup>1</sup>

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#### RUTHVEN CASTLE, PERTH.

Painted on the chimney-piece of Ruthven Castle are the following significant words :—

Vera diu latitant, sed longo temporis usu  
Emergunt tandem quæ latuere diu.

Truth long lies hid, but in time's long (delayed) opportunity  
At length come to light the things that have long been  
concealed.

—*Mercer Chronicle.*

<sup>1</sup> Chambers.

## CHAPTER XVI.

The Earl of Errol put in the Tolbooth—Laurence, Lord Oliphant, puts two farmers in the Thieves' Hole, Dupplin—The Master of the Tolbooth writes his own agreement—Provost and Magistrates ordained to provide Scarlet Robes—Mistaken identity case: Magistrates imprison the wrong man—Justices of Peace fix scale of labour rates—Patrick Blair of Ardblair defies the Justices—Imprisonment of the Weaver Incorporation for not paying their taxes—Dean of Guild attacked at his house with swords and dirks—Curious Proclamation: export of eggs stopped—Characteristic petition to repair Tolbooth—King fixes four standard holidays—Comic Incident on the High Street: Magistrate stripped and whipped by twelve youths—The General Assembly and the Five Articles of Perth—Tobacco selling in Perth at sixteen shillings per ounce—Dunkeld refuses to recognise Perth Dean of Guild Court—Dundee requires a hangman and gets one—Privy Council ordain all future Provosts to be burgesses—Remarkable abduction of Elizabeth Henderson—Smuggling.

THE extraordinary proceedings, narrated in Chapter XIV. pretty clearly manifest the strong feelings of the King in the matter of Episcopacy, of which he was now the champion. The Presbyterian clergy, however, maintained their position, and the King was obliged to recognise the fact that they were not to be concussed on this subject. Nothing could be more unreasonable than the procedure of the King; and the imprisonment of those who differed from him was without excuse. Among the cases of this nature,

that of the unfortunate Earl of Errol calls forth sympathy. He refused to be converted to Episcopacy, and was ordered to be imprisoned in the Tolbooth of Perth.

In an edict of the Privy Council of 21st May, 1608, we are referred to the non-fulfilment of the Act of the General Assembly at Linlithgow of December, 1606, ordaining the Earl of Errol to be confined in the burgh of Perth because he had not returned to the true faith—one of the causes, it was alleged, of the great increase of papacy in this kingdom. The earl was ordained within ten days of the charge to enter the burgh of Perth, and not depart therefrom without the King's authority. The earl obeyed this request, and in September following sent a petition to the Privy Council giving intimation thereof; but the town being visited by the plague, a great many houses were affected, many of the inhabitants went away for safety, and the earl therefore desired that his place of imprisonment be changed. The Lords considered two certificates on behalf of the earl—one from Lindsay, Bishop of Dunkeld, and one from the Magistrates of Perth—testifying to the accuracy of the petition. The earl was removed from Perth to Errol, the Lords declaring that the change would not be prejudicial to the proceedings and censure of the Kirk and Presbytery against him.

It would appear from the Records that some strange crimes were committed at this period. For example, in July, 1610, Laurence, Lord Oliphant, accompanied by a number of his men, all armed with hagbutts and pistolets, set upon Thomas Mitchell and John M'Ewen, tenants of Tullibardine, in the public highway, wounded them, and took them as



prisoners to Dupplin, where he would have hanged them but for the interference of Sir John Lindsay. Lord Oliphant then cast them into the Thieves' Hole at Dupplin, and kept them there several days without meat, drink, or other necessaries. After nine days he brought them, fettered and their hands bound behind their backs, to Edinburgh. These men were free subjects, taken for no crime. Both parties went to court. The Lords found that Oliphant had violated the law in so far as he had pistols in his possession at the time libelled, and ordained him to be imprisoned in Edinburgh till relieved. His defence was that, foregathering with these men, and seeing them armed, he had apprehended and imprisoned them in terms of the Act of Parliament of 1597. The Lords, having further considered this defence, assoilzied Oliphant from the charge.

In the same year James Murray, merchant, Perth, requested authority from the Privy Council to summon the Magistrates of Perth, who had been put to the horn in virtue of letters raised by him against them for a debt of 500 merks, and for not warranting "skaithless keeping" of him at the hands of Margaret Gow, relict of Oliver Young, burgess of Perth, anent the payment to her of 260 merks and expenses. Nothing further was heard of this matter.

In 1610, the office of gaoler of the Tolbooth of Perth was vacant, an office that very probably would be difficult to fill on account of the scarcity of applicants. The Town Council, however, had evidently resolved to appoint George Lumsdail. In place of the Council putting before him the terms and duties of his appointment, he put before them the terms on which he would take it, in a regularly

drawn-up missive. This document is an ingenious production and worthy of being preserved as a relic of old times. We give it, slightly condensed :—

“ Be it ken'd by all men your present lovite, Mr. George Lumsdail, messenger, of Lawers. The Town Council having accepted and admitted me to be gaoler and keeper of their Tolbooth on caution to be found by me for keeping the said authorities skaithless of money, deed, or occasional damage and expenses that they may incur in my default by suffering persons to escape furth of the Tolbooth. I shall faithfully and diligently, loyally and truly, discharge the duties of said office and be an obedient servant to the authorities. Therefore to be bound and obliged and by the tenor hereof as principal ; and with me John Campbell of Fordel, Sir James Campbell of Lawers, and David Coshach of Monzievaird, cautioners and securities for me. Both parties bind and oblige themselves conjointly and severally that I shall faithfully discharge the said office of gaoler in all things, and shall keep and detain all warders and prisoners that are committed for whatever sum of money, crime or occasion, and shall not suffer any to escape nor pass furth of the said Tolbooth except by order of the Magistrates. Should any escape in my default, I as principal, and my cautioners above named, bind and oblige us conjointly and severally to warrant, reserve, harmless and skaithless keep, the Provost and Magistrates of all sums of money, actions of damages, and expenses that they shall sustain or incur. And for their better relief to pay to the credit of the persons warded such sums of money as they shall happen to have furth of the said ward unsatisfied and shall be resting owing, in the meantime, and for which they have been warded or arrested, with expenses to the Magistrates and Council which they may hereafter incur. I shall honestly and diligently serve in the office of gaoler and be leal, true, diligent, and obedient to the Magistrates, and shall not hear of their skaith in anyway but shall stop it to the utmost of my power. Also that I shall have a sufficient book

marked according to the order of the Town Clerk, and that the booking and deleting of all persons named shall be done by the Clerk. And if I am deprived or demit the office of gaoler by any fault of mine meriting dismissal in that case I will demit and renounce the same in favour of the Provost and Magistrates, and deliver to them the keys and lock of the Tolbooth, and I and my cautioners will ratify and renew their parts in most ample form of security to the said authorities. In case of necessary registration and raising of loots hereupon in default of us, the said principals and cautioners, we oblige ourselves to pay to the said authorities the sum of £100 good and usual money of Scotland, and that without prejudice of their relief foresaid and the execution hereof, in fulfilling these presents, and I, George Lumsdail, bind and oblige me and my foresaids to warrant, relieve and skaithless keep my cautioners out of all damage, danger, interest or expense they may incur. Should any of them become irresponsible I bind and oblige myself to find new and sufficient cautioners bound by special bond to warrant the said authorities conform to warrandice above expressed. . . . If any of the persons committed shall break through the walls, roof, or windows of the Tolbooth, and shall burn or by violence break the door thereof, it shall not be put to my default or negligence. And for better security we, both principal and cautioners, are content, and consent that these presents be inserted and registered in the books of Council and Session, Sheriff or Burgh Court Books of Perth, or in any other judge's books competent within the realm of Scotland to have the strength of the act and decret of other of the judges thereof. In witness whereof, etc."

We hear nothing more of this elaborate paper. Evidently the master of the Tolbooth was a man of importance in these times, and got his own way.

In 1610 an ordinance, interesting and important to the town, was passed by the authorities at Edinburgh. This was the question of robes for the

Provost and Magistrates. In support of the change, it was stated that though the promiscuous wearing of apparel might not convey an impression of negligence to the spectator, it was desirable that the Provost and Magistrates should be clothed in decent and comely apparel, suiting the gravity of their office. It was therefore ordained that in Edinburgh, St. Johnstoun, and other places, the Magistrates should wear gowns of red scarlet cloth, with furs suitable, on Sundays and all other solemn days, and opening days of Parliament. This practice is still in force—one, moreover, that is generally approved—and it materially adds to the dignity of the office. An incident of a peculiar nature occurred in 1611. There were two men in the burgh of the name of William Blair. The one, called Dutch William, conceived malice against the other, and violently attacked him, the complainer, at the South Inch port. Dutch William came off second best, and the Magistrates put the complainer in the Tolbooth. The defender was hurt by a boy, not by the complainer at all. Charge was given the Magistrates to enter the complainer to answer the premises. The Lords, in respect that the Magistrates had not entered the complainer conform to the charge given them, ordained the Provost and Magistrates to be denounced rebels, but superseded the execution of horning for six days, with intimation that if they entered complainer by that time there would be no further proceedings against them. The treatment of this matter may have been conform to the laws of the time, but it is difficult to regard it in any other than a ridiculous light. The Magistrates may

have been wrong in what they did, but to denounce them as rebels was not warrantable in the circumstances. The case came before the Court a few days afterwards, when David Sibbald, one of the Magistrates, appeared. The magistrates were exonerated, and Sibbald ordered to convey Blair, the complainer, to Edinburgh, and deliver him to the constable thereof for assaulting "Dutch William."

The price of labour at this period became a serious question, and from all that can be learned from the history of the time, both money and provisions were scarce. The matter would seem to have been taken up by the Justices of the Peace, and they issued the following paper, which, in the circumstances, must have been of great importance to the inhabitants. It has all the appearance of a well considered, well matured ordinance. The Justices met at Perth and ordained the following rates :—

One holder of a plough, one thresher in a barn, one driver of a horse with any carriage, for fee and bounty, yearly £12. Each woman servant each half year £3. Each horse boy, yearly, £5 6s. 8d., with four ells of grey cloth allenary. Each workman daily, with his food, two shillings, without food, five shillings. Each cook, baxter or breuster, the barons or gentlemen, earls' and lords' servants, yearly, £12, and the cook's foreman, yearly, £6. If any of the lieges contravene or give more wages, they shall pay £20 of a fine. If any of the said servants refuse to work for the said wages, they shall be apprehended and imprisoned and further punished at the discretion of the Justices. If any servant be already paid greater fees they shall at next term take no more fees than above specified under the said penalties. Servants breaking from their masters within terms shall be put in

prison, and shall give security for damage. It shall not be lawful for a field servant or cottar to leave his master's service, nor for any person to fee him or accept of him in any manner of way unless he warn his master forty days before the term, so that he provide himself with another servant in due time, and the servant who is to leave his old master for the new shall receive his old master's testimonial of good service, or a testimonial from the Justice of the Peace of the parish, or if there be no Justice, a testimonial from the minister of the parish and two of the elders thereof. All servants being lawfully fee'd shall enter their new place of service within eight days after the term. All men and women servants repairing to cottar's houses and not clad (supplied) with masters, shall be holden in all time coming as strong and idle vagabonds, and the Acts of Parliament made anent such persons, beggars and gipsies, shall be put in execution, and the cottars and resettlers of these punished accordingly, No shoemaker to take a higher price for the inch of double soled shoes, cork shoes or any work of that sort than eighteen pence within the thread; and for the inch of single soled shoes within the walts twelve pence; and for the inch of thick shoes within the sewing of eight inches of leather ten pence; and for the pair of double soled boots £4; under penalty of £5 so oft as they fail, and their stock to be confiscated and put to the use of the justiciary and constables. No webster shall make any kind of cloth, linen or woollen to sell, but so much only as shall serve himself and household, and that he buy no more wool, lint or yarn, but so much as may serve himself. In case he has not sheep of his own, the neighbours next adjacent to him will testify to the same on oath under the penalty of £5.

In 1612 another class of crime appears on the Record. Patrick Blair of Ardblair being a frequent bearer, wearer, and shooter with hagbutts and "lang guns," Patrick Butter of Gormac, one of the Justices, had taken the trouble to reason with Blair on his

unlawful conduct and persuade him to stop it. This failing, Butter handed Blair over to the bench, and when summoned to the Quarter Sessions he disdainfully declined to appear. For this he was outlawed, and directions given to the four nearest Justices to try the case. He duly appeared before them, and they demanded why he refused the first citation. He said the libel was full of lies, and with that he drew the copy he had received out of his pocket, and in a contemptuous manner threw it down on the table, giving it a stroke with his fist saying it was full of lies. To this Patrick Butter replied that if that copy were full of lies, he would be content to underlie the punishment due to Blair if he did not plead guilty; on which Blair gave Butter a number of lies, put his hand on his sword in presence of the Justices and would have drawn it had he not been stopped and put out of court. This happening in the kirkyard of Lundie, Blair assembled twenty or thirty of his followers, and in an excited manner came into the kirk and resolved to make an attack on Butter, but he was stopped. The case was referred to the Privy Council, George Affleck of Balmanno, Convener of the Justices, appearing for the pursuers. Blair was present and confessed his misbehaviour. The Lords ordained him to be imprisoned in the Castle of Edinburgh at his own expense till his Majesty's pleasure be known. On 18th September following, Blair appeared before the Council and acknowledged the offence, craved pardon and offered to give such satisfaction as the Council required. The Lords released him from the Castle of Edinburgh, and ordained him to confess his fault in a like manner before Patrick Butter and the

Justices for Perthshire, and to find caution for 3000 merks for keeping the peace with the Laird of Gormac.

The matter of local taxation occupies but a small place in the annals of Perth. We have, however, a notable case in 1613, when the Deacon of the Weavers complained that the Magistrates, through malice and without just cause, and without warrant of law and custom, imposed such taxes upon the Craft as they were unable to pay. The Magistrates had apprehended pursuers, and committed them to the Tolbooth, where the Magistrates detained them and refused to liberate them. Complainers appearing in person, and the defenders not appearing, the Lords ordered the defenders, the Provost and bailies, to be denounced as rebels. The Magistrates appealed to the Lords of Council and Session, and complained that the Deacon of the Weavers had wrongously obtained a decret against them. The complainers stated that the difference standing between the town and the Weavers, arising out of the latter's obstinacy and refusing to make payment of their taxation lawfully imposed, had been referred by mutual consent to arbitration. That the Magistrates did not appear was not because of their contempt, but because of their not anticipating that these persons would prosecute an action when it was to have been settled privately. The Lords, in respect that the Weavers were now at liberty, suspended the decret.

The lawlessness under James VI. strikes with surprise all students of history. For example, there is an offence recorded which was very common at that time. In 1613 a complaint was made by



David Sibbald, Dean of Guild, that on 10th July Thomas Lamb, armed with sword, gauntlet, dirk, and other weapons, came at 7 p.m. to complainer's gate, where complainer was standing in a peaceable manner. He struck complainer violently on the breast and rushed him to the ground, pulled his dirk, struck at him therewith, and would have slain him but for the help of some people who saw it. Afterwards, as complainer was walking along High Street, Lamb again attacked him with his dirk, striking him several blows. Lamb continued to threaten the complainer and take his life. The Lords, in respect that the defender failed to appear, ordained him to be imprisoned in the Tolbooth of Edinburgh within six days, or be denounced a rebel and put to the horn. This is a case which illustrates the weakness of the local Magistrates and their inability to preserve law and order in the burgh.

On account of the raids of the Clan Gregor, which at this period appear to have been both serious and extensive, an important trial of the cause took place at Perth. The Commissioners of the Sheriffdom of Perth, who held the court, met in the Tolbooth. For reset and supporting the Clan Gregor in these raids, a large number of persons, upwards of 400, were at this trial decerned to pay heavy fines. It created great excitement and appears to have served its purpose, for these raids were not afterwards very numerous. It would appear from the transactions of 1614 that the town, having mortgaged their common good for 40,000 merks, and having no means of repaying the same but by selling a nineteen year tack of some part of it to some of their own townsmen, the Lords of the Privy Council, on the

Corporation asking them, gave their consent to the proposal. In the following year a very curious proclamation was issued on the subject of the unusual scarcity of eggs. Some of the lieges evidently were carrying on a great trade in exporting eggs, and the result was that the citizens were unable to get a sufficient supply. The proclamation said :—

Forasmuch as among the many abuses which the iniquity of time and the love of filthy lucre and gain have produced in this commonwealth, there has of late been observed an unlawful and pernicious trade of transporting eggs furth of the Kingdom by certain avaricious and ungodly persons void of modesty and discretion, who, preferring their own interest to the common weal, have by themselves, their servants or agents, travelled over the country buying up the whole eggs that they can get, and exporting them at their convenience. Not only has there been a great scarcity of eggs for sometime past, but the same are risen to extraordinary prices. If this trade be allowed to continue, there will in a short time be neither eggs nor poultry in the country. The Lords of the Secret Council ordain His Majesty's lieges, merchants, skippers and owners of ships, by proclamation at all places needful that none of them either carry or transport any eggs furth of this Kingdom under any pretence, under a penalty of £100 besides punishment of them in their persons at the sight and discretion of the Lords, certifying if they fail the punishment shall be inflicted without favour.

This proclamation had a salutary effect.

About this period the Town Council and Kirk Session began to have an annual meeting to fix the prices which their tenants were to pay for the bolls of bere which grew on the Blackfriars and Charterhouse crofts. In 1621 and 1622 there was great scarcity of corn throughout the kingdom, caused by

the bad harvests and the inundation of the river. This was the remarkable flood of 1621. The prices of victual, as recorded in a MS. volume in the possession of the Perth Literary and Antiquarian Society, appear to have been as follows: In 1525, oatmeal, 8s. 10d.; in 1557, wheat 7s. 3d., oats 4s.; in 1578, wheat and bere each 4s. 2d.; in 1612, victual sold after Michaelmas, 16s. 8d.; in 1616, bere 10s.; in 1634, 15s.; in 1665, oatmeal 5s. 6d., bere 6s. 8d.; in 1685, oatmeal 6s. 1d., bere 7s. 9d. These prices are per boll. A record of prices in the sixteenth and seventeenth centuries has been preserved, and affords us useful information respecting the prices of food at that time. The prices do not vary much, except when a serious emergency arose, such as the flood of 1621, when prices advanced 100 per cent.

In the reign of James V., £1 sterling was equal to £3 Scots, and from 1544 to 1560 it was equal to £4 Scots. During the regency of Morton, 1574, the intrinsic value of the money of Scotland was further lessened, so that £8 Scots became equal to £1 sterling. Methods were afterwards used for restoring it, but without effect. It continued to diminish more and more till in 1597 £1 sterling was equal to £10 Scots. Hence the conversion of victual, which was equal at first to £3 6s. 8d. sterling, came at last in 1601, to be of the value of £2 4s. 5d. In 1601, £1 sterling was equal to £12 Scots, which afterwards continued to be the proportion between English and Scotch money.

In 1616 there was a characteristic petition presented to the Provost and Magistrates by Patrick Murray, for the repair of the Tolbooth:—

Unto your honorable wisdomes schaws your wisdomes servant, Patrik Murray, That quhair the rowff of the foir tolbuith is very ruinous both in the thak and cupillis, for sundrie of the backis off the cupillis are fallin out and at the falling, and great hollis and sclapis in the ruff, which if it be not speedily remedit will comme to uther ruin and decay, and siclyk. Thair is great need of schakillis (shields) for the irons and lokis thairto for sure keeping of the vardours that ar vardit for great crimes. Heirfor it will pleis your wisdomes to cause the treasurer to repair the premisses for eschewing off gretar inconwenienciss.

In 1617 there was a complaint by Gilbert Robertson, skinner in Perth, that the bailies had conceived a deadly hatred against him, because he had obtained letters of exemption against them and an advocacy against the Kirk Session of Perth anent a pretended action at the instance of Margaret Johnstone against pursuer. For this they committed him to the Tolbooth, where they kept him without the access of friends or the supply of necessaries except at their discretion. Andrew Conqueror, one of the bailies, appeared for the defenders and exhibited Robertson, and alleged that pursuer had been lawfully imprisoned conform to two decreets against him for not removing from a high "four chalmer" belonging to Conqueror, and for not paying to John Lang, maltman, £6 16s. of principal and expenses. He was committed by the Kirk Session for refusing to satisfy the decret against him for slandering Margaret Johnstone. Robertson replied that he was willing to find caution, and the Lords ordered the Magistrates to release him, but they assoilzied them from all responsibility for his detention.

The matter of public holidays occupied some  
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attention at this date, and we find the King on 22nd January, 1618, intimating that there should be a universal cessation throughout the kingdom from all kinds of husbandry and hand labour at the holidays following :—

On Christmas day which was the day of the birth of Christ : on Good Friday which was the day of his Passion : on Easter day which was the day of his Resurrection : and on Ascension day and Whitsunday : to the effect that his Majesty's subjects may the better attend the holy exercises in the Kirk. His Majesty ordains proclamation to be made at the mercat crosses of the chief burghs of the kingdom, certifying all and sundry who shall contravene that they shall be punished as rebellious subjects ; enemies of the King and his authority.

On 12th August, 1618, Patrick Ross, messenger, and Andrew Johnston, burgess, of Perth, with armed accomplices went about 8 p.m. to John Robertson's working booth, and committed an assault on Robertson and his wife. At 10 p.m. they went to Robertson's house and searched for them. As they departed, they saw Robertson running up the stairs of James Balneave's house. They pursued, and attacked him severely, so that he was mutilated in three fingers of his left hand. He was taken to the surgeon to have his wounds dressed. After his return, he was again assaulted by these men in his own house. They broke open the door, and entered with drawn swords. Robertson would have been slain but for the assistance of neighbours. He and Patrick Ross appeared before the Lords ; the other defenders not appearing, the Lords ordered them to be denounced as rebels. We have no explanation why this assault was committed. The

presence of a messenger indicates that Robertson was owing money; but the messenger had no right to do what he did, yet it is not recorded that the Lords were displeased with his conduct. A transaction of this kind was a grave reflection on the burgh authorities, whose first duty should be to protect the lives of the lieges, and punish severely those who take the law into their own hands.

One of the most graphic incidents which occurred in Perth in the reign of James VI. was the following, as described in a petition, dated 21st January, 1618 :—

*Petition by the King's Advocate, the Provost and Bailies of Perth, and John Mathew, Balhousie.*

On 1st December, being the public fair and market kept within the burgh called Andrewmas Fair, an unseemly tumult was caused by George Lundy, some time of Gorthie, Guthrie of Kincaldrum, George Graham, son of the Laird of Claverhouse, and others, to the number of nine. They having spent most part of the day in drunkenness issued from a tavern at midnight, and with drawn swords cut down the whole market stands, which were standing, and placed there for the merchants during the market. John Mathew, who had been at supper with Andrew Gray, Dean of Guild, and was returning with his servant, a boy, to his own home, was overtaken by the said persons and cruelly used. He and the boy would have been killed, but providentially the common bell was rung, at the sound of which Andrew Conqueror, one of the bailies, came furth of his bed to keep the peace. When he came to them he declared he was one of the bailies, and therefore as representing his Majesty, he commanded them to desist from further pursuing John Mathew and disturbing the peace. They disdainfully disregarded his command, scornfully crying out, "Lay to the carle, the bailie," and they cut his clothes in several parts, tore his coat up the back, and with sticks gave

him many black and blue strokes; took from him his halbert and other weapons, and made an open tumult all that night. The affray could not be settled until the inhabitants rose out of their beds and came to the causeway in order to assist the Magistrates in the settling of the tumult.<sup>1</sup>

There is an unquestionable touch of humour about this incident, but what followed on the petition is not recorded.

What is known in history as the Five Articles of Perth created at this time and for years after very considerable excitement, and not a little discussion. Feeling ran high, and the controversy became keen and probably unreasonable. The General Assembly met at Perth on 25th August of this year (1618) to discuss these Articles. It was attended by archbishops, bishops, ministers, and a number of the nobility and gentry. This was the last permitted General Assembly in Scotland till the memorable one at Glasgow in 1638, which overturned these Articles. After the presentation of the King's letter by Young, Dean of Winchester, the Moderator, Archbishop Spottiswoode, rose, and stated that the Five Articles were not his suggestion, as he considered them inexpedient at this particular time. Yet they knew the anxiety of the King on this subject, and warned the members of the consequences if the Articles were rejected. The Moderator then nominated a number of the nobility and gentry, all the bishops and thirty-seven doctors and ministers, as a privy conference, who met in the afternoon to discuss these Articles. These Articles were:—1st, Kneeling when receiving the Communion: 2nd, Administration of the Communion to the sick, dying, or infirm persons, in their

<sup>1</sup> This narrative is signed by Sir William Oliphant.

houses in cases of urgent necessity : 3rd, The administration of baptism in private under similar circumstances : 4th, The confirmation of the young by the bishop of the diocese : 5th, The observance of the five great commemorations of the Christian Church—the birth, passion, resurrection, ascension, and sending down of the Holy Ghost. On the following day the Assembly met at 8 a.m. and the Articles were again debated. On the third and last day a sermon was preached in St. John's Church by Mr. Cowper, one of the local ministers, who for supporting the King at the Gowrie Conspiracy was made Bishop of Galloway. The vote was then taken, when the Five Articles were carried by a large majority.<sup>1</sup> On the 21st October they were ratified by the Privy Council, and the King's proclamation authorising them was published at the Mercat Cross of Edinburgh. The Articles were ordered to be read in all the parish churches, and obedience to them enjoined. Several of the Presbyterian ministers opposed them, and were fined or imprisoned, but the Perth ministers agreed to them. Alexander Simpson and Andrew Duncan, ministers who had protested against the Five Articles of Perth, were by order of his Majesty's commissioners imprisoned in Dumbarton Castle, but were released on 10th October, 1621. The meeting of the Estates which sanctioned the Five Articles (4th August, 1621) was called the Black Parliament, because of the fearful tempest of rain that took place during its sittings, accompanied with thunder and lightning and darkness.

There was evidently a considerable trade carried

<sup>1</sup> Spottiswoode Miscellany.



on in tobacco in Perth in the olden time, and as appears from the following deliverance of the Privy Council, the people were grossly taken advantage of by a few dealers who simply imposed on them<sup>1</sup>:—

Though the King had forbidden the home-bringing and selling of tobacco within this kingdom at any time after 31st March, 1617, under pain of confiscation of the whole tobacco brought home and of the price of what was sold, nevertheless the following persons have brought home or sold quantities of tobacco (follow list of names), all merchants and burgesses of Perth; each one of them ten stones of tobacco, sold by them at 16s. per ounce. The Lords find in terms of the defenders' oaths of verity that Andrew Brown had bought two and a half pounds of tobacco, and sold it at 6s. 8d. per ounce; Robert Murray had bought a quarter of a pound, and sold it at same price; David Alexander had bought one pound, and sold it at 5s. per ounce; Charles Rollock had bought five pounds, and sold it at 16s. per ounce; and James Simpson had bought eight pounds, and sold it at 12s. per ounce. The Lords order the said sums to be confiscated to the King's use. Six other traders who did not appear were found guilty of buying and selling ten stones of tobacco at 16s. per ounce, and confiscation ordered accordingly.

<sup>1</sup> Taylor, the water poet, who published his travels in Scotland in 1618, says: "St. Johnstoun is a fine town, but much damaged by reason of the want of his Majesty's annual visit there. I lodged one night at an inn, landlord Patrick Pitcairn, where my entertainment was with good cheer, good lodging, all too good to a bad weary guest." And another distinguished traveller, Thomas Tasker, who visited Perth in 1655 says: "St. Johnstoun is a handsome walled town with a citadel, lying a good way up the river Tay, where there is a tide waiter always attending, not so much because of any great trade as to prevent the carrying out of wools, skins and hides, which are plentifully brought thither out of the Highlands, and bought up by the lowland men." (Hume Brown, "Early Travellers.")

This ordinance was dated at Holyrood, 22nd July, 1619. This by no means settled the question, as on 16th January, 1621, David Duff, merchant, Perth, lodged a complaint with the Privy Council, objecting to being denounced a rebel at the instance of John, Earl of Mar, treasurer, for not paying 16s. for every ounce of ten stones of tobacco imported and sold by him. He was never lawfully charged to appear, and since the alleged time of importing the tobacco, these men, John Anderson and others, had agreed with Captain William Murray for themselves and him, so that the captain had delivered to them the letters of horning for execution against complainer, who compounded with them, and satisfied them in the matter. The Lords granted suspension. Six months after this, Henry Kinross, advocate, registered a bond of caution by Peter Stoup, merchant, Perth, that Robert Paterson, merchant there, pay to John, Earl of Mar, treasurer, 16s. for every ounce of two stones weight of tobacco, alleged to have been sold by Paterson in terms of decret of the Lords, at the instance of the King's Advocate, dated 3rd November, 1618. The bond, which contained a clause of relief, was dated at Perth 9th July, 1621, and witnessed by Andrew Ross, son of John Ross, of Craigie, and George Scott, Kinfauns.

PERTH AND DUNKELD.

In the matter of the jurisdiction of the Dean of Guild Court, Perth, a misunderstanding arose between the authorities of the two burghs, and there was issued an extract decret by the Lords of Council in favour of the town of Perth against forestallers of the city of Dunkeld, dated 6th March, 1619:—

In an action by Thomas Robertson and others, citizens of Dunkeld, and Thomas Young and John Patton in Fungert against Andrew Gray, Dean of Guild of Perth, narrating that they have lately been charged by a precept from the said Dean of Guild and William Merse, procurator fiscal, to compeer and answer to a charge of being forestallers of all sorts of victual, hides, skins, wool, horses, other goods within the bounds of the sheriffdom of Perth and freedom of the burgh, and that the Dean and his council intend to proceed against them, although they are not competent judges to the complainers; because (1) They reside in Dunkeld, which is outwith their jurisdiction. (2) Dunkeld is of old erected into a free burgh of barony with the privilege of four public fairs yearly and a weekly market, where all the lieges may buy and sell all kinds of wares and merchandise. If the defenders desire to impugn their title hereto (which can only be done before the Lords of Council and Session) the pursuers offer to prove that the Bishop of Dunkeld has been in use to punish forestallers within his bounds. (3) The act of Parliament ordains that forestallers within the freedom of any burgh may be punished by the officers of that burgh, and that otherwise they have no jurisdiction over such persons. Yet in this case the Dean of Guild cites persons who dwell in another burgh. (1) The pursuers are cited by the Sheriff's precept to appear before the Dean of Guild, which is improper. Therefore this action should be removed from the Dean of Guild and his council to the Lords of Council and dealt with by them. Parties having been cited, the pursuers produced an old charter (which is given at length and of which the following is the purport): Robert, by the grace of God, King of Scots, grants to the church of Dunkeld, and John, Bishop of Dunkeld, his chancellor, in name of the said church and his successors for ever, all right which the King has or can have in the lands which formerly belonged to the church of Dunkeld, seeing that the said lands were in times past alienated from the church without the consent of the king or his predecessors,

and still remain in the hands of others, and the king hereby commands all persons interested to give effect to this grant, and answer and obey the said church in respect of these lands. There was also produced a charter by King James the Fourth, ratifying all ancient privileges and liberties granted by his predecessor to the Bishop of Dunkeld and burgh of Dunkeld, and of new erecting Dunkeld into a free city and burgh, with the privilege of a market cross, public markets every Thursday, and public fairs on the feast of St. Columba, and with as ample privileges as are possessed by the burgh of any prelate within the kingdom, and with power to the Bishops of Dunkeld to apprehend, try, and administer justice upon all thieves, sorners, and rebels at the horn within their jurisdiction, and employ the profits thereof to their own use. This charter was granted under the Great Seal at Edinburgh, 11th June, 1513. Further, they produced an Act of Parliament made at Perth on 11th July, 1606, whereby the estates confirmed to Peter, Bishop of Dunkeld, and the citizens of Dunkeld all their privileges. The defenders replied as follows: 1. Their first reason of advocation being founded upon a declarator against the judge, ought to be discussed before the Dean of Guild and the Sheriff Principal or his deputies, and cannot competently be discussed here. 2. The summons was directed by the sheriff to the pursuers to compare before the Dean of Guild; and as the fines of all forestallers are by the gift of King Robert expressly appointed for the repair and maintenance of the bridge of Tay, the Dean is not seeking his own profit in this matter. 3. By the two several gifts of King Robert to the burgh of Perth, full liberty was given to the burgh to search for and apprehend all forestallers in any part of the sheriffdom, and to confiscate the goods forestalled by them without license of any judge or minister of law within the realm; whereas there is no such liberty of punishing forestallers in any of the two charters granted to the Bishop or town of Dunkeld. 4. This matter could only be tried by the burgh of Perth, and not by the Lords of Session, because it must be by a

condign assize. 5. The Act of Parliament ratifying the liberties of Dunkeld ratifies no power of apprehending and punishing forestallers within their city and burgh, and is therefore relevant. The defenders for verification of these allegations produced the two charters to the burgh of Perth by King Robert by the first of which he gave "full and free power and licence to the committee, burgesses, and, brethir of gild of the burgh of Perth" to arrest all forestallers anywhere within the sheriffdom of Perth, or their liberty, and confiscate their goods, which goods are disposed by His Majesty for the maintenance of the bridge of Perth. This charter bears date 28th February, 1387; and the second charter which is dated 10th May, 1597, is to the same effect. The Lords, in respect of these defences, remitted the action of forestalling to the Dean of Guild of Perth with consent of the sheriff principal, and ordained the Dean and Sheriff to proceed and administer justice in the matter as they will answer to the King's Majesty upon the execution of their office, and that notwithstanding the reasons of suspension adduced.

In October, 1619, the town of Dundee had no executioner, and the Provost and Magistrates advised the Privy Council that they had been for some time without one; so that when any criminal was convicted and condemned to death, the Magistrates were put to great trouble before they could get an executioner to carry out the sentence. They said that John Gibson, who had stolen forty-five sheep, and who was committed to the Tolbooth of Dundee, had offered himself for the post to save his life. They were willing to accept him, and desired a warrant relieving them of responsibility for dispensing with his punishment, and exonerating them from blame should he escape from them if, when executioner, he should at any time break away from the Magistrates and leave the

said office. The Lords passed an Act in terms of the petition, providing always that John Gibson attends and waits on the office aforesaid all the days of his life, on pain of reapprehension and death.

In municipal matters, a point of some importance was raised by the Privy Council in 1619. This was the question of persons nominated to the provostship being burgesses. The Privy Council disapproved of non-burgesses being elected, and ordained that none should be chosen to be provost of any burgh, but burgesses actually dwelling therein, having trade and business within the same as the Act of Parliament bears. Notwithstanding this, David, Lord Scone, was chosen provost of Perth for that year; Alexander, Lord Livingstone, provost of Linlithgow, and Ogilvie of Banff for the burgh of Banff, which persons accepted the office in contempt of the law and disregard of his Majesty's authority. The Lords of Secret Council ordained these three persons and the Magistrates of the said burghs to appear before them to answer for the violation of the Act of Parliament, and thereafter to hear and see the nomination and election of the persons foresaid to be null; and the Magistrates of these burghs and others having votes in the election of provost decerned to make a new election conform to Act of Parliament under pain of rebellion, etc. From this date only burgesses could be elected chief magistrate.

The lawless condition of Perth in the seventeenth century gave rise to a good deal of crime, the following specimen of which is preserved in the public records. The expression "Thieves' Hole" is one that is rarely used, and doubtless was part of the Tolbooth of Perth.

The Lords of the Privy Council having seen the deposition of Henry Miller, tailor, by which he was concerned in the abduction of Elizabeth Henderson, daughter of Andrew Henderson, formerly chamberlain at Scone, committed by William Stewart and others: the Lords find that Miller has committed a detestable offence deserving severe punishment. They order the Provost and Magistrates of Perth to commit Miller to ward in their thieves' hole, and to keep him in irons, fed on bread and water, till they give further instructions. In this lawless transaction several persons were concerned. These were William Stewart of Kinnaird and William Stewart, his son, Hugh Stewart, also Thomas and John Stewart, Tullymet, and Duncan Craig, Patrick Fleming, and Henry Cunnison, servants to William Stewart, also David M'Taggart, Boat of Kinnaird. These persons learning that Agnes Rae had gone to Edinburgh on her lawful affairs, and had left her daughter with other children and servants in her house in Perth, came to the house armed between 8 and 9 p.m., forcibly broke open the door, and entered the house, where were only children and two female servants, and carried off one of them—Elizabeth Henderson. They retained her in their keeping, intending to compel her to surrender her estate, and otherwise to abuse her if she refused. Agnes Rae appeared personally before the Lords for herself and daughter; and Thomas, Hugh, and John Stewart also appeared. The Lords, in February, 1620, ordered the defenders who were absent to be denounced as rebels. On 9th March following a commission was issued to the Captain and lieutenant of the King's Guard with consent of the Sheriff and

the Provost and Magistrates of Perth to apprehend and present before the Lords William Stewart and his son, Craig, Fleming, Cunnison, M'Taggart and servants, who were denounced rebels for their failure to appear and answer the complaint.

On 19th April following a commission was issued to David, Lord Scone, and others to apprehend these persons. And on 27th July the Lords ordained the lieges not to intercommune with these rebels, to furnish them with nothing whatever during their rebellion, and charging sheriffs, provosts, and magistrates to apprehend them wherever they could be found, and bring them before the Privy Council, in order that they might be tried and punished ; but we have no record of further proceedings.

It would appear that the old road from Perth to Edinburgh, a road that was much frequented in old times by the inhabitants of Perth, as they were daily travellers upon it, evidently got out of repair, and almost unfit for use. At that time there was no arrangement for the upkeep of roads, and the authorities had to meet emergencies as they best could. In 1621 a petition was presented to the Privy Council by Michael Arnot and others, of Portmoak, stating that this road at the east end of Lochleven, being a common road between St. Johnstoun and Edinburgh, is so worn and decayed that it has become impassable for men and horses, so that merchants and others travelling that way are frequently in danger of their lives and goods : some have perished, and sundry horses and goods have been cast away, and if some action be not taken to repair the road, all travelling between St. Johnstoun and the ferries would cease. They therefore made this overture



to the Lords of the Secret Council: that if the Lords would give them a warrant to collect from each passenger and horse travelling the road the day following at the four market or fair days of St. Johnstoun, viz., Palm Sunday, Midsummer, St. John in harvest, and St. Andrew in winter, two pence for each footman, four pence for each horseman, eight days before the said fairs, and eight days after the same, allenarly for the space of one year, they would undertake to repair the road and make it suitable for traffic. The Lords found that the repair of the road was necessary, and that the overture was the easiest way to effect that. They granted full power and commission to the petitioners to uplift the duties specified.

Highway robbery in the seventeenth century appears to have been common in the neighbourhood of Perth. There is a notable instance recorded. In March, 1622, William M'Intosh, accompanied by William and Andrew M'Vean, foregathering with the complainer, Thomas M'Kay, of Tullybelton, two mile west of Dunkeld, William M'Vean entreated him to accompany him to Perth, which he did. When at Muirton, near Perth, M'Vean began to quarrel with him, and would not allow him to go without satisfaction. With that they put violent hands upon him, and after throwing him to the ground, took from him his purse, containing 400 merks of gold and silver, also his sword. The Lords found M'Intosh guilty of violence, and ordered him to be imprisoned in the Tolbooth of Edinburgh within fifteen days, under pain of horning.

In the eighteenth century smuggling was very common in Scotland, particularly in the counties of Perth and Fife. The details that are recorded are

very few, but we are indebted to Dr. Hill Burton for informing us that about 1720 the seaport towns dotting the coast of Fife were the abodes of bands of daring smugglers, the representatives of the race who, in the previous generation, had been buccaneers in the Indian Seas. One of these, named Wilson, exasperated by frequent seizures and penalties, laid a plan for retaliation by plundering the custom-house at Pittenweem of Government money, and it was boldly executed with the aid of a youth named Robertson. Both were caught, tried, and condemned to death ; and the Government being like themselves exasperated, their fate was pronounced inevitable.

They were placed in the Tolbooth of Edinburgh, whence they attempted to escape. Two horse-stealers in a floor above them, conniving with the two smugglers, got steel saws and other instruments from accomplices below. They were drawn up by a string, and enabled the horse-stealers to cut the stanchions of their own cell. These men were secured by night in the following way:—A great iron bar fifteen inches in circumference crossed the cell from wall to wall. It was a usual custom, in later times at least, for the prisoner to be fettered to such a bar by a ring which enabled him to move along its length. In this instance, however, the prisoners were linked to perpendicular bars, which supported the great bar in the centre of the room. The arrangement made a weak point in the complex mass of securities. The perpendicular bars passed through the floors, and were tightened by fastenings in the cell below. The smugglers were able to knock these away, a hole was made in the floor, and the five prisoners became one party. They cut the iron stanchions

of the window. Whenever any noise, such as that of filing began, other prisoners, who were in league with them, began vehement and loud singing of psalms. One of the horse-stealers escaped; but Wilson, who attempted obstinately to follow, was so bulky a man that he stuck fast in the opening, and rendered discovery inevitable.

The fate of his companion lying far more heavily on his conscience than the robbery of the custom-house, when attending the condemned sermon according to wont in the Tolbooth Church, seizing his opportunity when the congregation were departing, he sprang on the keepers like a tiger, held two with his hands, and one with his teeth, and called to his companion to run. Robertson struck the other keeper down, and mingling with the departing worshippers, who did not care to interrupt such a fugitive, escaped. Wilson's doom became, of course, doubly sure; but it was rumoured that the interest attached to his fate had determined his desperate companions to rescue him. His execution was fixed for the 14th of April, 1736, and precautions were taken to secure the peace of the town, not only by the presence of the city guard, or municipal gendarmerie, at the place of execution, but by the vicinity of a detachment of the Welsh Fusiliers. The smuggling rendezvous at Perth was at Corsiehill, on the west shoulder of Kinnoull Hill.

## CHAPTER XVII.

**Trials at Perth for Witchcraft, 1623—Three Witches burned on the South Inch, 1598—Visit of Charles I., and Entertainment on the River—The Morrice Dance—The famous General Assembly at Glasgow of 1638—The Five Articles of Perth abolished—National League and Covenant approved, and Episcopacy condemned—Perth Town Council, the Conscription, and the Covenanters—Dialogue in the Perth Tavern, Montrose and Murray of Methven—Battle of Tibbermore; surrender of Perth, and flight of the Inhabitants—Defence of the inhabitants by the two local clergy—Execution of Charles I., and Proclamation of Charles II.—Entertainment of Charles II. on the River, Perth compelled to support the King's Life Guard—Coronation of Charles II. at Scone—Horning of unlicensed Craftsmen and illegal traders—Synod of Perth chased by sixty women; extraordinary proceedings—Baillie Deas requires the Town Council to be purged of Popery—Battle of Killiecrankie—The Guildry Incorporation of Perth.**

**THERE** seems to be no doubt that what is known as Witchcraft touched its highest point in the seventeenth century, and gradually thereafter died a natural death. Its ramifications penetrated far and near. It was essentially an age of superstition. Education was in its infancy, and the people, especially the authorities, appear to have been at times terror-stricken, so much so, that every unfortunate creature who was charged with the crime suffered death. The punishment was greater than the offence, and had it happened in our own day, it is very probable

the prisoner would have been dismissed with an admonition. Among the first executions at Perth for the crime of witchcraft was that of three unfortunate creatures, who, in 1598, were burned on the South Inch, betwixt the butts. Their names were—Janet Robertson, Marian M'Cash, and Betty Ireland. In order that the reader may have some idea of what constituted one of these trials, we give the following report of one which took place before the Kirk Session of Perth in 1723 :—

Compeared Margaret Harmscleugh charged with sorcery. She was asked if Robert Christie's daughter, at Huntingtower Mill, came to her with meal and beef to seek help to their cow. She denied it. Asked if some years since the cow of Patrick Paton had her milk taken from her by sorcery. She denied. Asked if she cured John Hay in Logie-almond, whom all the country knew was witched. She said she cured him. The only cure she used was washing him with south running water, and smearing him with swine seam. Isobel Miller deponed that on one occasion her brother was knocked down, and deprived of the use of his legs and arms. After the physician had given him up, Margaret cured him by a bath of "agrimonie" and black sheep greese. Margaret admitted this. Mrs. Christina Mason deponed that she lay sick for eight weeks, when she sent for Margaret, as she thought she was at the point of death, and craved her help. Margaret said to the messenger, "Truth, she shall not die of that ill," and promised to cure her. She came over and ordered south-running water from the Tay; bearer to be dumb going and returning, and to hold the mouth of the vessel to the north. She washed her with this water, and afterwards made a bath of gril meal. After this, the fire, which was burning without any visible means, vanished in a black smoke. The woman Mason immediately recovered, arose, and supped with the said Margaret, but gave her no pay. After supper, Margaret having

departed, the disease returned, and Hepburn was sick as before. On the morrow Margaret returned, and used again her former cures, and received a shirt and pair of shoes. Having crossed the four nooks of the door with her hands, she departed, and Hepburn was restored to health. Margaret admitted the meeting with Hepburn, but denied that she cast the disease upon her. Asked if she had any other instructor, she answered, "None but the Lord Jesus Christ." Patrick Paton deponed that one time when his daughter was drinking with Margaret, she was asked from whom she learned all her wit, and she replied that "many years since there came a man to her, clad in gold, and put his thumb in her hand, and bid her ask what she would and it would be granted her." Margaret admitted this. Same day Harry Drummond and his wife deponed that after a quarrel with Margaret she did them "skaith." One morning the new ale was working, and Margaret arrived to request some draft. They refused, and she went out muttering some words, and then immediately the ale sunk to the bottom and was all as black as pitch and as bitter as soot. And so it fared with five or six brewings thereafter. Nothing prospered with them till he being advised by one who was reputed to be a witch went on his knees before Margaret and asked his gear again. Margaret denied the ill-doing, but granted there was a quarrel and that Drummond asked his gear at her. Drummond and his wife swore solemnly that the ill they got was done by Margaret. The same day Margaret Kinloch, spouse of Constantius Hynd, deponed that John Jackson, her son-in-law, having a pig belonging to Margaret Harmscleugh, was witched by her both in his person and goods. Margaret Kinloch and her daughter were therefore obliged to crave on their knees John Jackson's health from her, or, as she herself said, from the devil. Patrick Paton deponed that Andrew Lorraine of Myreside told Margaret his cow was gone yeld and the milk was taken from her, and craved that by her help it might be restored. He paid her a fee of five shillings. She then directed him to buy a firloft of draft, and when she had muttered some words over it she sent him home and

bade him cut the cow in the ear and mix the blood of it with the draff, which he did, and the cow gave milk as usual. This deposition Margaret confessed, and said there was no ill in that.

Isobel Haldane, charged before the Session with witchcraft; asked if she had any conversation with the fairies; replied that ten years since, when she was lying in bed she was taken forth, whether it was by God or by the devil she knew not. She was carried to a hillside. The hill opened and she entered. She stayed there three days, when a man with a grey beard came to her and brought her forth again. John Riach deponed that Margaret Buchanan, wife of David Randie, being well in health and at her ordinary work, the said Isobel came to her and said, "Make you ready for death, for before Fastense'en you shall be taken away." And so it happened, for before that term the woman died. Isobel being asked how she knew the term of the woman's life, replied that she enquired at the man with the grey beard, and he told her. Stephen Roy in Muirton deponed that Isobel Haldane having stolen some bere from the Mill of Balhousie, he followed her and brought her back again. She clapped him on the shoulder saying, "Go thy way, thou shalt not win thyself a bannock of bread for a year and a day," and so it came to pass, for he dwined away and was heavily diseased.

Again, in 1715, Margaret Ogilvy, wife of James Johnston, soldier, was apprehended on suspicion of witchcraft and theft. The Magistrates ordained her to be banished from the town and never to return under pain of being scourged and burned. Elizabeth, daughter of John Murray of Strathbogie, believed to be guilty of witchcraft, was ordained to be banished from the town and not to return under a penalty of being scourged round the town and burned, and that she be instantly put out at the Highgate port. Sarah, widow of James Johnson, Auchenbowie,



*Go face 132*

THE DEVIL PREACHING TO THE WITCHES





was apprehended on suspicion, but declared she only came to see her brother, who was a prisoner. The Magistrates disbelieving her, ordered her to depart from the town never to return under a penalty of being scourged and burned, and to be instantly put out at the North Inch port. The Session having obtained commissions from Parliament, directed the civil magistrates to try these women for witchcraft. They were tried and condemned to death, and on 21st July were executed on the North Inch, Perth, and their bodies thereafter burned. Witchcraft, it has been said, flourished for four centuries, and in the reign of Queen Mary an Act was passed branding it as a crime against the laws of the realm. Notwithstanding this stringent measure, it still grew apace. The witches belonged to the lowest ranks, and it must be admitted some of their pranks were wonderful. As they were supposed to be in league with the devil, the clergy were determined to put them down, and eventually succeeded. In the Long Parliament of 1640 under Charles I., which sat ten months, it is said 3,000 witches were executed in England and Scotland. This number, we think, is overstated. On the return from Denmark of James VI., no less than thirty witches were executed on the Castle Hill, Edinburgh. "The witches demanded of the devil why he had such a hatred of the King, and he answered, as is alleged, that the King was the greatest enemy he had in the world." The last execution took place in 1722. Happily we live in an age when witchcraft is no longer taken seriously, but during the long period of its existence in Scotland it created and kept alive an amount of terrorism among the

people that eventually became intolerable. It was thoroughly believed in by all those ignorant persons who professed it, as well as by those who had received quondam benefits by its unlawful practices.

A great event of the time was the memorable visit of Charles I. to Perth. On the 8th July, 1633, he was received with great ceremony at the entry to the South Inch, by the Provost (Robert Arnot of Benchils) Magistrates and others, and an address was presented to him. He sat on horseback and patiently listened to it, after which the young men, clad in red and white specially for the occasion, conveyed him to Gowrie House, then the residence of the Lord Chancellor, the Earl of Kinnoull. Next day he attended Divine service, after which he returned to Gowrie House and sat on the garden wall in front of the river to witness an entertainment. On the river was a floating stage of timber clad round with birks, upon which, for his Majesty's amusement, thirteen of the Glovers, with green caps, silver strings, red ribbons, white shoes, and bells about their legs, with rapiers in their hands, danced a sword dance with many difficult knots, five being under and five above their shoulders, three of them dancing through their feet, drinking wine and breaking glasses. The King's visit created, as might be expected, great excitement among the inhabitants. The Town Council ordered forty fed oxen to be used for the King's entertainment; the best houses were kept for Englishmen and the malt barns were given up for stables. The sword dance or Morrice dance took place on the Tay; the Provost used his best rapier and the Magistrates white staves. These dances afforded a brilliant entertainment, and the

Royal visit came off with great *eclat*. The Glover Incorporation still possess the dress of one of the Morrice dancers used on that occasion.

This curious robe was made of fawn-coloured silk in the form of a tunic, with trappings of bright green and red satin. The sleeves, etc., were slashed, and on the intermediate spaces were fixed 252 small globular bells on pieces of leather, made to fasten to various parts of the body. What is remarkable about these bells is the perfect intonation of each set, and the regular musical intervals between the tones of the various clusters. The twelve bells on each piece of leather are of various sizes, yet all combining to form one perfect intonation in concord with the leading note of the set. The performer could thus produce, if not a tune, at least a pleasing and musical chime, according as he regulated with skill the movements of his body—giving by it pleasure to the skilful, as well as amusement to the vulgar. The last time this dress was used was on the 6th September, 1842, when a member of the craft figured in it on a small platform in Princes Street, on the occasion of Queen Victoria's visit to the town. The Morrice dance by a skilful performer is most attractive and entertaining.

Some time after this, Charles and Archbishop Laud prescribed new forms of prayer for public worship, and without the authority of Parliament or the General Assembly, they imposed on the country in 1637 a Church Service Book and Ecclesiastical canons. This gave offence to the burgesses, and at a meeting of the Convention of Burghs in Edinburgh, the Covenant, as a bond of union in defence of their religion, laws, and liberties,

was prepared. The Presbyterians or Covenanters who opposed this liturgy were led by the Earl of Montrose.

The General Assembly of the Church sat at Glasgow on 22nd November, 1638, at which the Covenanters carried all before them. The Acts of Assemblies since 1605 were rescinded, and the Five Articles of Perth abolished. The National League and Covenant was approved of, Episcopacy condemned, and bishops deposed. This Assembly sat no less than twenty-six days, and great excitement prevailed all over Scotland. It was dissolved by Alexander Henderson, the moderator. The Covenanters took up arms to support these resolutions, and the greatest enthusiasm was manifested. The inhabitants of Perth were active in the movement, and the Town Council ordered one hundred muskets, sixty pikes, and a commissioner was appointed to go to Dundee, Arbroath, and Montrose, to purchase military stores. The King prepared to invade Scotland and assert his prerogative. The Marquis of Montrose was despatched to Aberdeen in the cause of the covenant, and part of his force was 100 men supplied with a fortnight's provisions and ammunition from the merchants and craftsmen of Perth. The Council passed a resolution requiring every fourth man in the town to join the army. The movement cost the town £19,748 Scots money. The King raised an army of 20,000 men to fight the Covenanters, and the Marquis of Hamilton under orders from the King appeared in the Forth with ships and soldiers, but 140 men were immediately sent from Perth to prevent his landing. Charles and the Covenanters

eventually compromised matters by referring their troubles to the General Assembly. The Assembly met on 12th August, 1639, and Parliament on 31st August and both confirmed the Glasgow resolutions. Charles, however, would not agree to the proceedings of Parliament, but considered it a scheme to undermine his authority, and prepared for war. The Covenanters; who were determined to carry their point, immediately crossed the Tweed, advanced as far as the Tyne, and attacked and totally defeated the King's troops. Negotiations followed, and eventually Charles agreed to the stipulations of the Covenanters. Montrose was dissatisfied, and went over to the side of the King. He was a determined man, and when in England he prevailed, it is reported, on nineteen noblemen to sign a bond agreeing to support the King.

In a tavern in Perth, an important dialogue on the state of affairs took place in 1641, between Montrose, Robert Murray, minister of Methven, and John Robertson, minister of Perth. Montrose, who at the time was living with Lord Stormont at Scone, complained that he was calumniated and slandered. Murray asked why he subscribed the bond that was contrary to the covenant, to which he said it was not contrary to, but for the covenant. Murray asked why it was done in private "any bond that had been for the covenant might have been avoided."

*Montrose*—"We saw some men taking particular courses contrary to the cause and covenant, and therefore we behoved to strengthen ourselves for the maintenance thereof by that bond."

*Murray*—"How does that appear?"

*Montrose*—"There are some for changing the form

of Government. There has been a motion for deposing the King, another for setting up a dictator, and another for placing a general within the country as there is one without. This was left and another course taken for making a triumvirate to rule north of the Forth and two south of the Forth."

*Murray*—"These things seem very strange, for we have neither heard, thought, nor dreamt of such a thing, and there is no likelihood thereof."

*Montrose*—"Tis true, and to accomplish the last point there was a bond offered to me to be subscribed before the army crossed the Tweed for establishing a particular man beyond the Forth, by whom the subjects were to be in fealty and fidelity; but I refused to subscribe it, and would rather die than do so. These things are of my own knowledge. There are ten or twelve who will bear witness. Argyle was the one named to rule north of the Forth, and it was he who spoke of the deposing of the King."

*Murray*—"These things are strange. I cannot believe them. They seem to be very unlikely."

*Montrose*—"I might accuse them, but will not do so until first I have cleared myself before the Parliament and General Assembly."

*Murray*—"Was it your intention that Parliament should meet in November (1640) in order to revise the Acts of Parliament made in June; or to call them in question that so his Majesty might get a ground of complaint against these to our commissioners, who are endeavouring to publish same in his Majesty's name."

*Montrose*—"I desired Parliament to sit, but not for that object. It was that they might add to the

committee, for many able men are left out who might strengthen it if they were in it."

*Murray*—"Had you reason to question these?"

*Montrose*—"I had not, for I subscribed them, and I would maintain them with my blood."

And so this dialogue terminated.

From 1641 there is nothing of great importance till we come to the battle of Tibbermore. This engagement took place in 1644 between the King's troops, led by Montrose against the Covenanters. It was fought on Lamberkin Moor on Cultmalundie farm, near Perth. The Covenanters were, to a large extent, composed of the inhabitants of Perth. On both sides the troops were undisciplined, the Covenanters especially so. The rendezvous of Montrose was Blair Atholl. In company with Patrick Graeme of Inchbrakie, he went there from Tullybelton. On arrival at Blair, he was met by an Irish contingent, under Alexander M'Donald, numbering 1,200 men. These men had landed at Mull a few days previously. At Blair the Highlanders numbered 800, so that Montrose had a force of 2,000 rank and file. Montrose marched *via* Weem and Glenalmond to Tibbermore, and at the Hill of Buchanty he was joined by the Menteith men, who numbered 1,000. This gave him a force of something like 3,000, against 5,000 of the Covenanters. Lord Elcho, who was at Perth with the Covenanters, hearing of the advance of Montrose, sallied out to meet him and to give him battle. The two armies met at Tibbermore, and at once prepared for action. Lord Elcho led the right wing of his troops, Sir James Scott of Rossie, an experienced soldier, the left, and the Earl of Tullibardine the main body. Montrose drew up his



forces in one long line, three men deep. The Irish contingent formed the centre, and the Highlanders the two wings, armed with swords, Lochaber axes, and long clubs. Montrose himself led his own right wing. The Covenanters' horse fled, it is said, at the first onset, being overpowered by a shower of stones, but probably, it is also said, by the treachery of Lords Drummond and Oliphant. These two nobles, after the affair was over, joined Montrose, but the details of their treachery have been carefully excluded from the record. The flight of the horse was followed by great confusion throughout the entire Covenanting forces; in short, a panic ensued, Lord Elcho's troops making for Perth *en masse*. Very few, if any, were killed on the battlefield, but 400, or nearly so, were massacred in the pursuit, or died of fright. Among the killed were Patrick Oliphant of Bachilton, George Halyburton of Culross, and David Grant, captain of the Perth men. It is said on good authority that Lord Drummond's treachery was the cause of Elcho's defeat.<sup>1</sup> Montrose the same night entered and took possession of Perth, where he levied a subsidy of 9,000 merks, and stipulated for free quarters for his army for four days. He then went to Dundee, but it refused to surrender; and he pushed on to Aberdeen, as he knew Argyll was pursuing him.

In a field near the old Castle of Pitheavlis there is a memorial stone erected where many of the Covenanters fell. It is evident that this was one of the most unfortunate calamities that befel the town; and the Government of the day must have been surprised at the Magistrates for such cowardly behaviour. The

<sup>1</sup> Dictionary of Eminent Scotsmen, by Robert Chambers.

conduct of the inhabitants in running away was undoubtedly the result of a panic. The local clergy, George Halyburton and John Robertson, who evidently considered themselves censured by the Government, were determined they would not lie under such a reproach. They got up an able defence and sent it to the Privy Council. The defence said :—

If the people of Perth be blamed for anything, it must be either for what they did render or because the terms of rendering were not honest and honourable, or because the attitude of the people was bad after the entry of the enemy. The strength of the town was not in their walls or inhabitants, but in the friends who were in the field, and being so shamefully defeated did so dishearten the inhabitants that they could not exert the very natural act of moving, let alone resolute reason. That miserable flight was in its suddenness and unexpectedness as the clap of judgment. Our men were very few, not extending to six score. We had in the field a company of musketeers (under Captain Grant, who was killed) which for the most part fled, suspecting that the town would become a prey to the enemy's cruelty. A third part of the town fled at the first report of the enemy's victory. Our friends in Fife and Strathearn who came to us were either unwilling or unable to assist us. The truth of this is proved, for the Provost with a minister, going along the streets with a trumpet three times, could not make up as many as would guard three ports, let be five, as also the walls and ports of the town. It is said that the Fife men offered to assist us. There were seen twelve or thereabout unarmed men, and some of them drunk, come to the Provost in the porch of the kirk, offering themselves to serve. So small a number could not be trusted. They were unable who came in, being fore fainted and bursted with running, insomuch that nine or ten died in town that night without any wound. An overwhelming fear overtook them in the face of such a cruel

enemy. Many cast themselves into cellars, expecting the enemy's approach. The Provost came into one house amongst many, where there were a number lying panting, and desired them to rise in their own defence, to which they replied that they would rather die than fight more. They had cast away all their arms by the way, and there were none in town to spare. In town we had no ammunition, for Dundee refused it. Our enemies, who before the fight were naked, without weapons, ammunition, or cannon, and unable to lay siege to the town, by the flight of our friends were clothed, got abundance of arms and ammunition and six pieces of cannon. On the north Atholl was an enemy; on the east Angus, on the report of the defeat, disbanded, and a few of them fled to Dundee. We knew not if Argyll had come from the Highlands. The first friends we saw was on the eleventh day after the fight. The town was scarce of provisions. The hounds of hell were drawn up before our ports deeply bathed in blood, routed with hideous cries for more. There was not one man from Fife to give us counsel save one who is a useless member of society. Nor was there a man of the committee of Perthshire save Balhousie. After consideration and viewing the consequences, the razing of the City, the loss of all our means and the massacring of our own persons, we thought of surrender if we could have our consciences and our covenants preserved entire. If the enemy would meddle with these the ministers gave counsel to lose life and all which was approved by the Town Council as per their letter to Montrose. In the meantime a letter came from Montrose desiring us to join the Royalists. We answered if he meant civil obedience we would join them; but if he meant to encroach on our consciences, or to make us break any point of our covenant, we should not do so, lest God should be provoked and moved to bring down a heavier judgment than He had done that day on us. The articles proposed were: That the town should not be urged with anything against their conscience or against the two covenants, and that the town should not be plundered or rifled; that no Irish should get entry to the town; that friends and

neighbours should have a pass safely to go to their own homes. Two things proposed to be considered were whether the rendering of the field or the town was most disgraceful and prejudicial to the cause and country. The town surrendering saved the effusion of blood, but the field surrendering was the cause of much blood, ten only being killed standing, all the rest flying.

This defence contains the best and most reliable description of the battle that we possess. It was evidently not a battle, but rather a case of butchery, "ten men killed standing, all the rest flying." The numbers engaged—400 Royalists and 5,000 Covenanters—we think is quite incorrect. The defence is pitiable and touching, and gives us a side-light into the condition of Perth at that period. And what became of this large army of Covenanters if 400 out of 5,000 were killed? We should think 1,000 or 1,500 in place of 5,000 Covenanters would be nearer the truth. Their ostensible object was to defend Perth, but they did not return, as Montrose was in possession of the town, and held it for a week unopposed. It was only when notice of Argyll being on his track with 1,000 men became known that Montrose sacked the town and then escaped with his troops. As an illustration of abject helplessness "there was not a man from Fife to give us counsel save one who is a useless member of society." Of all the sieges of Perth, and it has passed through several, this must be put down as probably the most humiliating.

On 24th July, 1645, a Covenanting Parliament was held at Perth, at which it is said some tyrannical enactments were sanctioned against the Royalists. Troops assembled under General Baillie, who led the

Covenanters. Montrose, who led the Royalists, was joined by the Earl of Aboyne, and both encamped with their forces in Methven Wood. Baillie meant to harass Montrose, but the latter, with his troops, forded the Almond, and got off before Baillie had time to overtake them. After this event, it was resolved to have the fortifications of Perth rebuilt, as we find from the following despatch preserved in the archives of the town :—

ST. ANDREWS, *10th February, 1646.*

The Committee of the Estates ordain the General Commissary or his deputies to deliver to the Magistrates of Perth 400 bolls meal, to be distributed among the inhabitants who have been, and are to be, employed in completing the fortifications.

The famine which prevailed that year was more severe than is generally recognised. A deputation consisting of Alexander Rollo, minister of Perth, and David Scharp, burgess, appears to have visited certain burghs in the west of Scotland and solicited help for the poor. In a local work on antiquities<sup>1</sup> we find the following entry :—

Receipt by the Commissioners of Perth to the treasurer of Irvine for contribution of £90 Scots for the help of the poor of Perth in time of pestilence, 1646. The Commissioners from Perth for acquainting the burgh with the lamentable condition thereof by the pestilence, and for seeking support for the poor thereof, have received from John Davidson, treasurer to the Session of Irvine, the sum of £90 Scots. —IRVINE, *1st December, 1646.*

The next momentous event was the execution in 1649 of Charles I. for his false and tyrannical

<sup>1</sup> Muniments of the Burgh of Irvine : Ayrshire Arch. Assoc.

administration and for being the cause of the unsettled condition of the kingdom. His son, Charles II., was proclaimed king in July, 1650, at the Mercat Cross of Edinburgh, having first signed the Covenant on the 15th of that month. He was known to be a youth without force of character, unfit to be a king, albeit proclaimed with much hesitation. After this event, he went to Falkland Palace, and on 23rd July he went to Perth for one night, where he and his escort were hospitably entertained in the house of General Leslie. An address on behalf of the people was presented to him by George Halyburton, one of the local ministers. After dinner, His Majesty went to the summer-house on the river, a favourite place for entertainments, where there was a table covered with dessert of all kinds. There the Provost on his knees presented to His Majesty his burges ticket, and another to the Duke of Buckingham. His Majesty then wrote his signature and motto in the Guildry Incorporation Book :—" Charles II., *nemo me impune lacessit.*" This book is now preserved in a box, on the lid of which is inscribed :—" This box, formed from a rafter of the old house in Curfew Row, the residence of Simon Glover, by tradition father of the Fair Maid of Perth, incloses the venerable Guild book containing the Records of the Guildry Incorporation of Perth for a period of 119 years before the unfortunate battle of Flodden, and also the genuine autograph and mottoes of James VI., Queen Victoria and Prince Albert."

The Covenanters at this time were vigorous, and Charles had some doubts of his own safety. He left Perth next day for Dundee, Cortachy and Edinburgh. On the 3rd September, Cromwell, who had arrived

in Scotland with an army estimated at 16,000, fought a pitched battle against the Scots at Dunbar, and defeated them. General Leslie, who commanded, was taken prisoner.

In the matter of the maintenance of the King's Life Guard the town of Perth was much interested, as will be seen :—

PERTH, 17<sup>th</sup> October, 1650.—The Committee of Estates having considered the report of the Committee on Bills concerning the petition of the town of Perth as to the danger they have been at in maintaining six score soldiers of the King's Life Guard since the middle of August last, at the rate of six shillings Scots each per day, which was an unsupportable burden, and therefore craving to be freed thereof. Being desirous to grant to the town of Perth all the ease that is possible, do therefore command the Commissary General and his deputies to lay up in magazine within the town 100 bolls of meal out of the first and readiest meal belonging to the public, and to give thereof two pounds daily to each of the soldiers ; and ordains the inhabitants to give to each of the soldiers a pint of ale, or two shillings Scots to buy the same daily during the same space ; or otherwise ordains the inhabitants to accept of the two pounds of meal for each soldier. Also to afford the soldiers in the houses where they are quartered such entertainment as they take to themselves, or give each soldier six shillings per day as they have done formerly, the inhabitants to entertain the officers with such entertainment as they take to themselves or otherwise, the officers to maintain the same condition regarding entertainment as they do at present. The Committee declare that the pint of ale or two shillings therefor, and the entertainment of officers, wherewith the town is burdened, shall be allowed to them in their maintenance.

C. W. HENDERSON.

We are informed by a well-known writer<sup>1</sup> that on 25th October his Majesty wrote Lord Ogilvie to come to Perth, and that that nobleman had a long interview with the King in the summer-house on the water, Lord Dunfermline only being present. The King pointed out to him that if they did not lay down their arms presently it would both ruin him and them without recourse. The coronation of the King was under the direction of the committee of Estates, and in the expectation of a vast concourse of people who would arrive to take part in the rejoicings an official order was issued that no more than four shillings be charged for a gentleman's bed per night, and two shillings for a servant's, the transgressing landlord to pay one hundred pounds Scots. The King, who evidently had not much courage, ran away so as to be out of the reach of the Covenanters, but he was advised to return, which he did, and attended the meeting of Parliament on 26th November, and expressed regret for what he had done. This Parliament appointed two fasts to be observed previous to the coronation—one for contempt of the gospel; another for the sins of the King, his family, and nobility. It must be admitted that this was a remarkable edict of the Scottish Parliament, and a proof that the King was entirely under their control.

The ceremony of the coronation of Charles II. was fixed to take place on the 1st January, 1651, at Scone. This appears to have been the last coronation of the Scottish kings there. Charles was seated in a chair of state under a canopy, by the Earl of Angus. The nobles, with the Commissioners of



Barons and Burghs, were introduced and presented to the King, after which the Earl of Loudoun, Lord Chancellor, said :—

Sir, your good subjects desire that you may be crowned as the righteous and lawful heir of the crown of this kingdom; that you would maintain religion as it is presently professed and established conform to the National Covenant and to the League and Covenant, and according to your declaration in Dunfermline in August last; also that you would be graciously pleased to receive them under your protection, to govern them by the laws of the kingdom, and to defend them in their rights and liberties. Offering themselves in the most humble manner to your Majesty with their vow to bestow land, life, and whatever else is in their power for the maintenance of religion, for the safety of your Majesty's person and maintenance of your crown which they entreat you to accept, and pray Almighty God that for many years you may happily enjoy the same.

The King answered :—

I do esteem the affection of my good people more than the crown of many kingdoms, and shall be ready by God's assistance to bestow my life in their defence, wishing to live no longer than I may see religion and this kingdom flourish in all happiness.

Thereafter, the company adjourned to the church of Scone. The spurs, sword, sceptre and crown were carried respectively by Eglinton, Rothes, Crawford and Argyle, Argyle heading the procession, while the King walked between the great Constable and the great Marischal under a canopy of crimson velvet supported by six earls' sons, his train borne by four lords. This was probably the

grandest procession that ever had taken place in Scone. The church was fitted up for the occasion with benches for the members of Parliament. In the centre a platform was erected twenty-four feet square and six feet high, and on this the throne was placed. The sermon was preached by Robert Douglas, one of the ministers of Edinburgh, a strong presbyterian, from the words "And he brought forth the King's son and put the crown upon him and gave him the testimony: and they made him King and anointed him, and they clapped their hands and said, God save the King." The preacher addressing the King at the close said:—

Many doubt of your reality in the Covenant: let your sincerity and your reality be evidenced by your steadfastness and constancy: for many like your ancestor have begun well but have not been constant: take warning from the example before you, let it be laid to heart, requite not faithful men's kindness with persecution, yea, requite not the Lord so who hath preserved you to this time and is setting a crown upon your head. Requite not the Lord with apostasy and defection from a sworn Covenant.

The King thereupon took the coronation oath, and the nobility the oath of allegiance. The proceedings were closed by an address to the King, the nobles and the people, the minister solemnly admonishing them to respect the vows they had that day taken upon themselves. The King was evidently not very plentiful of money. It is recorded that he was unable to pay the coronation expenses, 40,000 merks, until Andrew Reid, a Perth merchant, advanced the sum on receiving the King's bond. This, however, was nothing extraordinary, for his father and

grandfather and the other members of his family were always in want of money. We have no evidence that Charles ever identified himself with the prosperity or local government of Perth.

It is not surprising, looking to the weak administration of the kingdom, that the drastic laws ordained by William the Lion and confirmed by subsequent kings should be occasionally violated. The laws which governed craftsmen and merchants in the production and in the buying and selling of goods and merchandise were very exclusive; men belonging to these two classes in the burgh must be free burgesses, and so far as we can gather from the records this law was very strictly enforced. Notwithstanding this the law was frequently violated during the troublous and lawless times of Charles II., and these illegal transactions (men buying and selling who were not burgesses), deprived the King of part of his revenue. The matter was serious enough to be taken up by the Convention of Burghs, and they issued an ordinance on the subject:—

We are informed that on 14th May, 1651, letters of horning were issued by William Brown, agent for the Convention of Burghs, and Andrew Butter, Dean of Guild of Perth, pointing out that James VI. and the Estates of Parliament ratified all Acts, Decrees; and Privileges granted to free Royal Burghs, and in consideration of the daily injury sustained by the burgesses (who bear the local burdens) by the continued increase of unlawful traders living in divers parts of the country and are not burgesses and bear none of the burdens, keep open booths, and buy and sell merchandise. It was ordained that these persons shall desist from this traffic. Yet a great many persons, chapmen and others, daily engage in this trade, keep open booths, and frequent fairs and

markets, buy and sell wine, wax, silk, hides, skins and other goods, and also unlicensed craftsmen daily work and use their craft and take the commodities thereof due to freemen. Thereby the burgh of Perth is "wrecked and harried," and his Majesty defrauded of the duties and customs of the said staple goods. Charge is therefore hereby given commanding all such persons to desist from such illegal practices, and to find caution for their future obedience within ten days after being charged so to do; and if they disobey to put them to the horn.

One of the most extraordinary and humorous incidents in the history of the Synod of Perth and Stirling occurred in 1652. What gave rise to it was the prohibition of certain Presbyterian ministers from preaching. These men resented the interference of the King in matters of religion, and in his forcing of Episcopacy upon the people; consequently the religious feeling of the time was destructive of all peace and harmony in the Church.

Under date 25th June, 1652, Judge Whitelock of London wrote in his diary as follows:—

Letters of the Synod's meeting at Perth and citing the ministers and people who had expressed a dislike of their heavenly government, that the men being got out of the way their wives resolved to answer for them; and on the day of appearance the women with good clubs in their hands came and besieged the hall where the ministers sat. The ministers sent one of their number to treat with the women, and he very injudiciously threatening them with excommunication they seized him, thrashed him, kept him prisoner, and sent a party of sixty who chased the rest of the clergy, bruised their bodies sorely, took all their baggage and twelve horses. One of the ministers who escaped, and after a mile's running taking every person for an enemy, meeting a soldier fell on his knees asking quarter. The soldier knowing

nothing of the matter asked what he meant. The women having seized the Synod clerk, beat him unmercifully with clubs until he foreswore his office. Thirteen of the ministers rallied about four miles from the place of meeting, and voted that the place should never more have a Synod assembled in it but be accursed, and although in 1638-9 the godly women were called up for stoning the bishops, now matters were changed and the whole sex should be esteemed wicked.

From this account it would appear that the Synod had met at Perth, that many other persons as well as ministers had been summoned to answer for the dislike they had expressed respecting Presbyterian government; that in Perth 120 women armed were allowed to assault the Synod; that some members of Synod having afterwards assembled in another place voted and resolved that the town should be accursed; that no meeting of Synod should afterwards be held in it, and because of the violence of these women the whole sex should be esteemed wicked, was an extraordinary state of matters.

The Synod's register of that period has recently been discovered. It is recorded there, however, that this famous meeting in 1652 took place at Dunning. To satisfy some of the members, the meeting next day was at Aberuthven, when they appointed the next meeting to be held at Dunning. The Synod in due course met there three months after. It being reported that there was a scandal committed by some deposed ministers, who, contrary to the Act of General Assembly, had preached and intruded themselves on the ministry, and being informed that George Muschet and John Graham do preach being deposed, the Synod ordained summonses to be issued

against them to compear at Dunning the following day at two p.m., and appointed the clerk to subscribe the summons in name of the Assembly. Muschet, minister of Dunning, and Graham, minister of Aberuthven and Auchterarder, had been deposed for "malignancy." The Synod met the following day at Dunning, at ten a.m., and as they were going to church there came from Aberuthven a multitude of women with clubs (some men being among them clad in women's clothes), of whom John Graham's wife was the leader. She walked up to the church, closed the kirk door, and violently opposed the ministers entering the church. The ministers forming the Synod retired to a private house, but it was too small, and they adjourned to the street for the purpose of holding their meeting. Violence was immediately offered by the band of women, who attacked and soundly beat the ministers, pursued them, took from them their cloaks, and from some their horses, and the ministers escaped with great difficulty, excepting those who were able to run. The ministers thereupon agreed to hold the Synod at Forgandenny, at which place they were unmolested.

It was some years after this when the subject of the Papacy occupied the attention of the Town Council. Bailie Deas of that period held strong views on the subject, and he had evidently made up his mind to purge the Council of Papacy. He entered a protest that all the members of Council should purge themselves of Popery, and that none should continue in office but such as were true Protestants. Sir Patrick Threipland gave his oath in presence of the Council as he should answer to God that he had always been a true Protestant, and

should never become a Papist. This protest put the Council in confusion, as James Stewart, late Dean of Guild, threatened and accused the Provost and Bailie Deas of desiring him to purge himself of Popery when he said he heard Bailie Deas confess that sixteen years ago he took Mass at London, and since that time he had been frequently at Popish worship, particularly last summer at Stobhall ; and before that time and since at the Abbey of Holyrood ; and in London last summer, on pretence of going to the baths, he had been introduced to the King by Father Peters ; and that he had brought from London by sea, in the vessel in which Bailie Threipland and he were passengers, two Popish priests whom he attended to Edinburgh, and delivered to the Lord Chancellor. On this and other grounds they urged him to purge himself of being a Papist or demit office, which he declined until he saw a warrant to that effect, and then he would answer it. This speech silenced the Council, and the matter dropped.

In 1662 we have recorded the following proposition by Charles II., put before the Pope for the reunion of England, Scotland, and Ireland, with the Apostolic and Roman See :—Especially he declares that he detests the deplorable schism and heretical teaching introduced by Luther, Zwingli, Calvin, and others, wicked men of like sort, for he knows by bitter experience and better than any one else in his dominions, how great are the evils which have been introduced by the so-called Reformation, which ought rather to be called " Deformation." <sup>1</sup>

<sup>1</sup> Put before the Pope by Richard Billings, private secretary to Queen Henrietta Maria.

In May, 1698, John Graham of Claverhouse came unexpectedly upon the town of Perth, where he made some prisoners, seized a number of horses, and appropriated 9,000 merks of the King's cess and excise. From Perth he marched to Dundee, but the citizens there shut the gates against him. He afterwards proceeded to Blair Atholl, where he was reinforced with 2,500 men. General Mackay being at Perth, hastened to meet him and give him battle, with 3,000 men and two troops of horse. Marching through the Pass of Killiecrankie, he found Claverhouse with his army posted on an eminence ready to attack him as he emerged from that dangerous defile. Mackay drew up his men in line three deep, having a narrow plain before them. Claverhouse arranged his army according to their clans on the opposite eminence. Mackay was, however, defeated, and his force thrown into confusion by the rush of Claverhouse's men, but two of his regiments fortunately stood unbroken. Claverhouse rode at full speed to push on the Macdonalds to victory, and as he was doing so a random shot struck him below the armpit, and he fell mortally wounded.

After the Revolution of 1689 that unfortunate venture the Darien Scheme was launched. It was a company composed of many of the leading citizens of Perth for trading between this country and India and Africa, as also for colonising purposes. The Magistrates and traders subscribed £2,000, a large sum in these days, while £400,000 was the aggregate subscribed by Scotsmen. Parliament in 1695 conferred various privileges on the company, and the people believed there were bright prospects before them. But the English and Dutch East India



Companies and King William opposed it. The Company sent out various trading expeditions, but they encountered great opposition and great hardships. The result was that all their capital eventually was lost, and many of the shareholders ruined. There are those in Perth at this date whose ancestors were victims of this mismanaged and unfortunate concern.

#### THE GUILDRY INCORPORATION.

The Guildry Incorporation was established for the protection and supervision of local commerce, and for the maintenance of the exclusive restrictions conferred on them by the early kings. These restrictions will be understood by a perusal of the Charter of William the Lion. The trade and commerce of the burgh at that time was large and prosperous, and afforded plenty of scope for active supervision. Violation of these restrictions was of frequent occurrence, and was severely punished, while the administration of the Guildry, from all accounts, was notable for its scrupulous observance of the powers and privileges conferred by Royal Charter. The Guildry Incorporation is supposed to date from the erection of Perth into a Royal Burgh, and to have been, from that time forward, a constituent part of the burgh and community. In the Charter of William the Lion of 1210, he granted authority to the burgesses of Perth to have a merchant Guild, and prohibited the manufacture of dyed or shorn cloth within the county—but only to those who were merchant Guild brethren. The next Charter was granted by Robert Bruce in 1316, and related particularly to the Guildry of Perth, but it

has unfortunately been lost. It is referred to in the Town's great Charter. It conferred considerable privileges on the merchant Guild. It was confirmed by Charter of David II. of 10th April, 1365. Robert III., by his two Charters, dated 2nd February and 10th May, 1398, conferred on the Guildry certain powers to prevent forestalling, and by one dated 1st March, 1406, confirmation was made to the Town Council and Dean of Guild of certain statutes, ordinances, etc. The James VI. Charter of 1600 confirmed previous charters. The Guildry Incorporation is of ancient origin, evidently co-eval with the Town Council itself. Regarding the mode of election of the Dean of Guild in early times, we are not positively informed, but the election of Magistrates and Council up to 1469 was annually by a poll of the whole burgesses. By the Act of 1469, the old Council was in future to choose the new. This might be called the termination of the representative form of election, and the adoption of the exclusive principle, at that time common. By this change the Town Council, in course of time, not only assumed the whole power, including that of the Guildry, in making laws, constitutions and ordinances, but arrogated to themselves the management of the Guildry and the Guildry funds, and in doing so disclaimed all responsibility to the Guildry or any other authority. The trades felt long and severely the effect of what the merchant majority in the Council called the "beautiful order." It was not until after a struggle of some years that the Guildry Incorporation succeeded in recovering from the Town Council the management of their finances; albeit the Council continued to hold unlimited sway

over the Guildry until about the end of the eighteenth century. The Council's administration of the finances was discreditable, and involved the Guildry in considerable debt; but the Guildry in course of time recouped themselves, and after severing their connection with the Council gradually became a flourishing institution. The Guildry found it a difficult matter to recover their political privileges, or even the power to elect their own Dean of Guild or his Council. The act of 1469 deprived the Guildry of their right to choose their representatives to the Council by authorising the old Council to elect the new. The Town Council took advantage of the power given by the act, and not only elected the Dean of Guild but ordered the Provost and three bailies to be members of the Dean's Council, and the town clerk to be *ex officio* clerk to the Guildry. This latter point was not enforced. The Provost and three bailies have ever since sat as *ex officio* members of the Guild Court. The Guildry on various occasions, but in vain, protested against this arrangement. The quarrel between the Guildry and the Council as to who should elect the dean was referred to a committee, who reported that the Guildry had full power from its Charters to elect their own dean, and that they ought to do so. The Guildry adopted this report, and at once elected the dean. The Magistrates objected, and appealed to the Court of Session in 1815 by a petition of suspension and interdict. It would appear that from the time the Guildry took the management of their affairs and finances from the Town Council a spirit of animosity had prevailed between them. This feeling was allowed to go so far that candidates

for the Town Council were required to be decided about the rights of the Guildry, and were taken bound to consider these rights as subordinate to the Town Council before they were accepted as suitable candidates. The Court of Session granted suspension and interdict, and then followed a ludicrous scene in the history of the Incorporation. The town clerk, Robert Peddie, had received the interdict. He renounced his connection with the Wright Incorporation, and became a member of the Guildry by paying up the dues as a stranger. This move was to enable him to support the Council at Guildry meetings. A general meeting of the Guildry was held to consider the report as to their rights and privileges. On the report being read, Peddie got up and stated that he had a paper which as a notary public he was called on and would insist on reading. He was informed that as a notary public he had no business to be there, and the meeting emphatically declined to hear him. Despite the voice of the meeting, he excitedly demanded to be heard. The meeting deprecated in the strongest manner his title to speak one word in any other capacity than as a member of the Guildry. Peddie would not be put down, and disregarded the ruling of the chair. He persisted in reading the paper, though ordered to sit down, or be expelled from the meeting. He afterwards said his paper was a bill of suspension and interdict from the Supreme Court.

This interdict formed the subject of litigation, and was obtained, they said, without their knowledge, and on misrepresentations. The Guildry, on the case again coming up, disclaimed any intention of disregarding the authority of the law, and denied having

received any legal notice of the interdict, expressing indignation at the unwarrantable and insulting conduct of Peddie in attempting to intimate it and intimidate them. What the end of this quarrel was, or whether it was dropped by mutual consent, is not recorded. The Guildry evidently had the best of it, for to this day they elect their own dean. Coming down to 1827, the Guildry again appear to have got into trouble over the purchase of certain properties, and prepared a memorial for the opinion of Counsel. This document pointed out that the Guildry had subsisted as a corporate body from time immemorial. In the earliest preserved records of the city commencing in 1465, the name of the Dean of Guild appeared in the list of Magistrates, and the Guildry themselves were in possession of records showing that as far back as 1453 they existed and had meetings in this corporate capacity. At what time or by whom their original charter of constitution was granted is unknown, and they are now in possession of no deed of any description affording the information. About 1737 the Guildry purchased Craigmakerran estate, and they hold heritable property in Perth. The income averages about £1,300 per annum, which is expended on weekly pensioners, and on the upkeep and management of their various properties. The primary object, however, for which the Guildry was established has long since passed away, and its function now is pretty much one of benevolence and philanthropy.

## CHAPTER XVIII.

Arrival of Cromwell and surrender of the Town—Cromwell at supper in John Davidson's house—The extraordinary double shipwreck of the Scottish National MSS.—Cromwell builds the citadel and seizes property—Gowrie House gifted to Charles and citadel gifted to the Town—Parliament of 1662 establishes Episcopacy and disowns Presbyterianism—The Town Council declare the National Covenant and Solemn League and Covenant illegal—Laurence Oliphant of Gask in the Tolbooth—Presbyterian Clergy driven from their pulpits—Suppression of Conventicles—Prosecution of Presbyterian Clergy by Tullibardine and Lauderdale—Sir Patrick Murray Threipland's election account—Perthshire Commissioners of Supply and special oath of allegiance to James VII.—Proclamation of the Prince of Orange—Oath of allegiance by Town Council to William and Mary—The old Council House of 1696—Proposed removal of St. Andrews University to Perth—The Magistrates in 1701 present an address to King William—The Town Clerkship.

WE now approach a momentous crisis in the history of the Ancient Capital: the arrival, in 1651, of Cromwell and his chosen band of well-disciplined troops. If we except the inexcusable acts of vandalism of which Cromwell was guilty, we shall find his rule and the principles which governed his action a vast improvement on anything that Perth had experienced from the Stuarts for at least one hundred years. The Protector was a man of great force of character, a humane, not a cruel man, and whatever he decided to do he did it fearless of consequences. The inhabitants of the Ancient Capital experienced no cruelty from him, but they never could be reconciled to the demolition of property which characterised his visit, particularly the disgraceful

conduct of his troops in removing the stones from Greyfriars burying-ground to aid in the erection of his citadel. Cromwell, who was now in Scotland, resolved to attack Perth, and the inhabitants hearing of this and becoming alarmed assembled on the 6th July on the South Inch and discussed the situation. The result of the discussion was that they chose 100 men, who were instructed to proceed to Burntisland to watch Cromwell's movements. These men were immediately despatched. They proceeded to Burntisland, thence to Dunfermline, at which latter place no less than 3,000 men joined them. A fortnight after the meeting on the South Inch, or on 20th July, Cromwell, it is recorded, overtook them at Inverkeithing, where a sanguinary and disastrous engagement evidently took place. Though Cromwell's forces were small in number, they seem to have had no difficulty in annihilating the troops from Perth and Dunfermline. It is recorded that no less than 1,600 were killed and 1,200 taken prisoners, only a very few being able to make their escape. Andrew Butter, Dean of Guild, commanded the Perth forces, and John Davidson, a notable citizen who escaped, was lieutenant. Cromwell then advanced with his troops from Inverkeithing to Perth, halting one night at Fordel.<sup>1</sup> In a day or two he arrived at Perth and found the gates shut. John Davidson ordered carts to drive up and down the streets and a drum to beat continually so as to deceive the English guards, and it so far succeeded. Eventually, however, the town was

<sup>1</sup> Between Fordel and Perth Cromwell and his troops halted at Bridge of Earn, where they spent the Sunday. Cromwell conducted divine service, and preached an eloquent sermon to his soldiers, impressing on them the great importance of the Word of God.

summoned to surrender, the Protector offering honourable terms, which were accepted and the gates thrown open. The Provost, Andrew Grant, attended the English officers, and conducted them to John Davidson's house. After supper Cromwell asked the Provost how in his defenceless position he proposed to keep him at the gates. The Provost replied that they meant to try and hold out until they knew that the King was in England. Andrew Reid, a wealthy citizen, was here introduced to Cromwell, to whom he presented the bond granted to him by King Charles. Cromwell returned it with a smile, and said he had nothing to do with it, he was neither Charles nor his executor; to which Reid replied rather hastily, "If your Excellency is neither king nor executor, you are surely a vicious intermeddler." Cromwell took the remark in good part, and with a smile, turning to the company, declared he had never before met with such rudeness, no one had ever dared to address him in that manner before. Reid, who was a courageous fellow, and must be admired for his pluck, was fortunate in getting off. If he had made the same speech to a Stuart, he would have lost his head. It is a curious fact that after the Protector left Davidson's house the side wall fell down, and Davidson, who had a vein of humour, wished it had fallen a quarter of an hour earlier, even though he had disappeared in the ruins. Davidson was a lawyer, procurator fiscal, and a rich man. He was also a scholar, and translated some of the town's Charters. Some copies written with his own hand, and with gilded capitals or initials, are amongst the papers of the Incorporated Trades.



Cromwell in his official report regarding Perth said :—

Wherefore, leaving with Major Harrison about 3,000 horse and dragoons, we marched to St. Johnstoun, and lying one day before it, we had it surrendered to us, during which time we had some intelligence of the enemy marching southward, but doubting it might be true, we left a garrison in St. Johnstoun, and sent General Monk with 5,000 men to Stirling to redeem that place, and by it to put your affairs into a good position in Scotland.

Cromwell found in St. Johnstoun four pieces of ordnance, with abundance of arms, ammunition and provisions, and left in it a garrison of one regiment of horse, another of foot and four troops of dragoons. The next trouble the citizens had to face was the maintenance of Cromwell's troops. The Magistrates ordered the Treasurer to provide meat and drink for 200 men of Cromwell's army. About this time took place the battle of Worcester, fought by the Scots under Charles against Cromwell. The Scots were totally defeated, and Charles made his escape to France. The government of Cromwell was by no means agreeable to the community of Perth. The support of the military became intolerable, and a petition from the inhabitants was eventually presented to him. Disapproval was expressed at the demolition of houses and other buildings by the army, on which Cromwell intimated that indemnity would be granted. Proclamation was made that those who declared their adherence to the Protector's Government by a certain date would be pardoned, and that a fine would be imposed on every parish and presbytery if they failed to report those who did

not, as these would be held as in a state of rebellion, and have their property confiscated. The petition presented by the inhabitants said :—

We have long laboured in the furnace of unnatural contests and divisions, and have become bettered neither towards God nor our neighbour, and therefore the Lord has written in bloody characters our guilt and punishment so that he that runneth may read. But whilst our miseries increased, so did our curses, the want of love and charity to sympathise with our suffering brethren in their disgrace; and distress hath like a contagious plague overpowered this nation, in which we desire to vindicate God's glory and justice by a humble confession. Therefore we humbly pray that your Highness would be graciously pleased to enlarge the favours of free pardon and protection, without fine or compensation, when we humbly conceive them to be persons of as much civility and peaceable disposition as any in the land: which undoubtedly will prove the most effectual means of re-engaging our affections and theirs in a joyful return of thankfulness and submissive obedience to the Commonwealth under your Highness's Government.

At this very crisis the matter of the Scottish National Records seems to have occupied the attention of the Protector. After the surrender of Stirling Castle at this date, Cromwell despatched to the Tower of London the whole of these Records. According to the Acts of the Scottish Parliament, they amounted to 1,600 registers and other papers. These were distinct from 1,600 volumes of private registers which had already been returned to Edinburgh Castle. Considerable discussion took place in the English Parliament about the custody of these important papers, and additional accommodation was ordered to be fitted up at the Tower for their

reception; and to be under the jurisdiction of the Master of the Rolls. Six years after this these Records were ordered to be returned to Scotland, and on 18th September, 1657, the English Parliamentary Records contain the following entry: "That the Commissioners of the Admiralty are authorised and required to appoint a suitable vessel to receive and carry into Scotland the Books and Records ordered to be sent there from the Tower of London." These Books and Records were afterwards shipped from Gravesend in a vessel that unfortunately was totally lost in a violent storm; and although the papers were in whole or in part thrown into another vessel, this second vessel, bound for Burntisland, also shared the same fate, and was wrecked with its whole cargo. And so these Records carried away by Cromwell were irretrievably lost, although we are informed that several parcels of them were recovered, particularly those of Parliament and of the Secret Council. This was a national calamity for the Scottish nation that was beyond all hope of redemption. At the meeting of the Scottish Parliament held at Edinburgh 11th May, 1661, it is recorded in connection with this matter that Parliament having discussed the conduct of Major Fletcher, captain of the *Eagle*, as concerning these hogsheads and cases wherein the public records of the kingdom were, and which were put into the vessel to be carried to Scotland, finds by the depositions of witnesses who were in the ship that if a great part of the hogsheads had not either been thrown overboard or put into another vessel the ship, in all probability from the violence of the storm, had immediately perished. Major Fletcher,

therefore, had put above four score cases full of the Registers into another vessel bound for Burnt-island, called the *Elizabeth*, of which John Menzies was master, and which ship has since perished with these eighty-five cases of Records on board. Major Fletcher was exonerated by Parliament, having done his utmost to preserve the Registers. It was found by the trial and deposition of witnesses that John Young, who was the officer in attendance on these Registers, did not consent to the taking of them out of the one ship and putting them into another, and he was also exonerated and declared free of any responsibility.<sup>1</sup>

Cromwell erected his citadel at Perth, on the east side of the South Inch, a little below Greyfriars burying-ground. This vast building was a square, each side being 266 feet in length. The north wall ran parallel to Greyfriars burying-ground, and extended from the river to the site of Marshall Place. There was a bastion at each corner. It was surrounded with strong earthen ramparts and a deep moat filled with water. The walls of the Greyfriars, said to have been six or seven quarters high, were demolished, and between 200 and 300 tombstones carried away to be used as building material for the citadel. Opposite to it they built a pier for loading and unloading of vessels. It is

<sup>1</sup> Eighty years afterwards ten hogsheads (saved from the shipwreck) still lay unopened in the Parliament House, Edinburgh, through some unaccountable neglect of the officers in charge. At the close of the eighteenth century they were all removed to the present Register House, and says Cosmo Innes, "everything that learning and skill and the greatest zeal could do has been done to remedy the injuries of time and neglect."

further recorded that no less than 140 houses were pulled down, also the hospital, the Grammar School, the stone pillars and abutments of the bridge, besides kilns and cobbles—all for building material. The surface of the two Inches was carried off to help to build the ramparts. The families rendered homeless had to be provided for by the town. The inhabitants were under military control, and could not help themselves.

In 1654 one of Colonel Daniell's men was hanged at Perth, having been caught on his way to Atholl, and some days afterwards another was hanged, having also been on his way to Atholl. Evidently during that period martial law prevailed.

The erection of the citadel which included stabling for 200 horses, was attended with great trouble, and was a source of much dissatisfaction to the inhabitants. As an illustration of this, we have the following letter of Colonel Daniell, Governor of Perth, to the Lord Provost, of date 3rd November, 1657:—

I am informed that there is a suit depending between William Wallace of Edinburgh, and Alexander Jackson, baker, Perth, concerning the malt barns, kiln and coble called the Temple land, being part of the suburbs of Perth. At the request of Jackson, I hereby certify the Lords Commissioners at Edinburgh, that the said malt barns, etc., were pulled down by order of the Lord Protector for the safety of the garrison of St. Johnstoun in 1651; when the same building with the rest of the suburbs at the west end of St. Johnstoun were pulled down, the greatest part of the stones were made use of for the citadel.

We seem to have nothing recorded regarding the citadel during the ten years it stood on the South

Inch. The Commonwealth lasted till Cromwell's death in 1658. His death at such a time was a great calamity, for he was a man of excellent administrative powers, and he was soon to be succeeded by probably the weakest man who ever sat on the throne. He was interred in Westminster Abbey, but a brutal and disgusting event happened on 30th January, 1661, when his tomb was broken open, his body exhumed, hanged at Tyburn, and thrown into a hole. This was by the authority of Charles II. and his English clergy, and shows to what extent religious fanaticism was carried in these days, not to speak of the relentless cruelty which characterised the later Stuarts as regards those who opposed them. The course of events brought Charles II. back to England in 1660, and the Town Council of Perth, pretending to be pleased with the return of this reckless youth to the throne, made him a gift of Gowrie House and grounds. In 1661, Charles granted a Charter under the Great Seal in favour of the Council of the citadel, with all its arms and ammunition, in consideration of their faithful services to him and his progenitors, and for losses sustained by the demolition of property for its erection. Sir George Kinnaird of Rossie (ancestor of Lord Kinnaird) was instructed, with consent of the Magistrates, to take it down. A share of the stones was to be given to Mercer of Aldie for his services to the town, and to encourage him to build. High prices were obtained at the sale, and after the sale of the guns and cannon the burgh treasurer bought the lot for 4,000 merks and resold it in retail.

Notwithstanding the Charter of Charles gifting the citadel to the town, it turned out that his Majesty's exchequer could not afford the gift,

and he compelled the town to pay the sum of £366 16s. 4d. as its nominal value. After all the privations the town had come through on Cromwell's account, this exaction was ill advised, and it will be of importance to see how it was brought about. The Town Council, on 14th January, 1662, sent a petition to the Exchequer on the subject. It was brief and mysterious:—

The Provost, bailies and Council of the burgh of Perth, to the Commissioners of Exchequer, shewing: That the most part of the stones wherewith the citadel was built were the stones of the eleven great arches, pillars and supports of our demolished bridge: above a third part of the burgh, and of the stones of the sepulchres and wall of our burial-place (Greyfriars) and of the Spey tower, hospital, and Grammar School. And that his Majesty, in consideration of the losses of the burgh and great sufferings thereof, has been pleased to give, grant and dispone the citadel to the burgh of Perth . . . . as the said gift bears. The petitioners desire their losses and sufferings to be seriously considered, and hope that the Lords may put such an easy composition upon our signature of the said citadel as they think fit, and find the condition of the burgh to merit.

EDINBURGH, 16th January, 1662.

The Lords ordain the composition already put upon the signatures above mentioned to be paid, with certification that if not satisfied presently, the Lords will make it greater.

BELLENDEN, J.P.D.

After this arbitrary letter of Bellenden, the Magistrates on 18th December, 1663, got discharge:—

James Stansfield, burgh in Edinburgh,<sup>1</sup> granting him to have received from Patrick Threipland, merchant in Perth, on behalf of Andrew Butter, Provost, William Jackson, Alexander Rankin, William Sharp and Patrick Bell, bailies, in name of the Council and community of Perth, the sum of £366 16s. 4d. sterling, as the proportion which his Majesty's letter of 4th June appointed the grantee of Perth citadel to pay for the satisfaction of the English workmen concerned in the building of Leith citadel. The Magistrates having now paid the money to James Stansfield, he having power from the workmen and having given caution to the Duke of Albemarle to make the money forthcoming, duly exonerates the Magistrates of Perth of said sum and also of all claim the workmen may pretend to have in the said citadel.

The Scottish Parliament which met in 1662 rescinded the Acts passed in 1633 in favour of Presbyterianism; passed an Act for the establishment of Episcopacy, and declared the National Covenant and Solemn League and Covenant to be unlawful, null and void. The Town Council of Perth at Michaelmas made the following declaration:—

We, the Provost, Magistrates, etc., sincerely affirm and declare that we judge it unlawful in subjects, on pretence of Reformation or any other pretence, to enter into leagues and covenants, or to take up arms against the King; and that all these gatherings, convocations, and erecting and keeping Council Tables that were used at the beginning for the carrying on of the late troubles were unlawful and seditious; and particularly that those oaths whereof

<sup>1</sup> James Stansfield, afterwards Sir James, was drowned or murdered about the year 1650. His son Philip was accused of and executed for the murder, chiefly because the body bled at his touch.



the one was called the National Covenant, as it was sworn and explained in 1638 and thereafter, and the other entitled a Solemn League and Covenant, were and are in themselves unlawful oaths, and were taken by and imposed upon the subjects of this kingdom against the fundamental laws and liberties of the same; and that there lieth no obligation on us or any subject from the said oaths to attempt any change of Government either in Church or State as now established by the laws of the kingdom.

This is an announcement that, in the opinion of the Magistrates, was demanded by the circumstances of the times. It was a great responsibility to be a magistrate in those days, and it was impossible to concur with the policy of the Protector and approve of that of Charles II. Charles personally set little store by churches, but the occupation of the Throne of England meant that he should support Episcopacy, which he did. He had no right to expect the people of Scotland to follow, and he was afterwards made to realise this. Among the sufferers for nonconformity in Perth in these times (for being Presbyterians, in fact) were—Lord Ruthven, fined in £4,600 Scots; Oliphant of Gask, £6,000; Blair of Kinfauns, £4,600; James Duncan, 2,000 merks, for being present at a conventicle at Bridge of Earn; Patrick Hay of Leys, 1,000 merks, for being present at a conventicle at Glendoick; Andrew Drummond of Megginch, £500, because his wife was present at a conventicle, and his son John, a merchant in Perth, was imprisoned till his father should pay the fine; Alexander Christie and Thomas Keltie, merchants in Perth, were fined in 600 merks each for attending conventicles, and were also put in the Tolbooth of

Edinburgh, and many other burgesses in Perth suffered the like punishment. In 1684 the Kirk-Session of Perth summoned a large number of persons before them for the crime of attending conventicles.

In these times the Oliphants of Gask were much identified with the life of Perth, and in the civil wars and tumults that prevailed they were not slow to take their part, several of them, indeed, coming to the front as leaders. In 1665 Laurence Oliphant was a prisoner of war, and on 15th September, Lord Rothes, writing from Holyrood to the Provost, said: "On sight hereof, you are to set at liberty Laurence Oliphant of Gask, in respect that he has paid the first moiety of his fine, and this shall be your warrant."

The latter half of the seventeenth century was full of trouble so far as Perth is concerned, and it was not surprising that the Magistrates should be reminded of their oath of allegiance at municipal elections. The Lords of the Privy Council, on 13th September, 1678, ordained that they shall have no right to their office until they have subscribed the same; that every person who shall enter on office before doing so, is to be punished as a usurper of the King's authority and his place be given to another. The Lords, in terms of Acts of Parliament, required the Magistrates and Council of Perth at their next election publicly to take the oath of allegiance and sign the Declaration appointed to be taken of them and of all persons in public trust. The Magistrates were to return to the Clerks of Council betwixt and the second Thursday of November such Declaration duly signed, with the names of any who delay or refuse to

sign the same, certifying if they fail to do so they shall be proceeded against as contraveners of the said Acts of Parliament and punished accordingly. Great dissatisfaction continued to exist respecting the compulsory imposition of Episcopacy on the people. The King and his Privy Council had no respect for men's consciences, and freedom of opinion was unknown. This persecution increased conventicles. Presbyterian ministers who had been driven from their parishes and whose pulpits were supplied with Episcopal curates were received at these meetings. The laird of Balhousie was severely fined for attending a meeting at Glencarse. One of the ministers who lived sometime in Perth and conducted conventicles was Alexander Moncrieff, the rejected minister of Scoonie, and grandfather of Alexander Moncrieff, first minister of the Secession Church, Abernethy. Moncrieff was ordered by the Privy Council to be seized as a noted keeper of conventicles at Perth, but he got notice of this and escaped.

The suppression of conventicles was undoubtedly carried out in a very oppressive manner by the local authorities. Mr. James Mercer, tutor to the laird of Megginch, was prohibited from leaving Perth while the young laird and two merchants were taken prisoners in Edinburgh. The two merchants were fined 500 merks Scotch each. But more extraordinary still, George Hay of Balhousie<sup>1</sup> was brought before Lord Lauderdale for having a Presbyterian minister whom he kept as his chaplain. He was fined in 27,000 merks. It was said that this money was given to the Earl of Atholl to pay the expenses

<sup>1</sup> Afterwards Earl of Kinnoull.

incurred by him in entertaining Lauderdale. The Marquis of Tullibardine was one of the King's Secretaries of State. On 29th March, 1680, the Provost and Dean of Guild were desired by the inhabitants to communicate with him, so as to induce him to put a stop if possible to these proceedings; and failing his doing so, the Provost was to appeal to the Edinburgh authorities. Tullibardine, however, agreed to suspend proceedings for three months, and in the meantime he and the Magistrates were to arrange to debate the matter before the Lords of Session. From this period to the Revolution of 1688 was a time of great distress in Scotland, on account of the persistent attempts to force a religion on the people that they did not want, and to wholesale persecution and slaughter of Covenanters or Presbyterians for no other reason than that they would not surrender their opinions. Many of the prosecutions and executions were carried out by Lauderdale, who made himself the King's lieutenant in this discreditable business.

An election account of the period incurred by Sir Patrick Threipland of Fingask, as a curiosity of the time, will be read with interest by posterity:—

*Account owing by the burgh of Perth to Sir Patrick Murray Threipland of Fingask, Provost—*

Paid for the nomination at Michaelmas, 1687, -	£84	0	0
For the account of the confections, - - -	65	3	0
For the two advocates and agent, - - -	60	0	0
For the servants 2½ dollars, - - -	7	5	0
For the Knighthood £100, - - -	100	0	0
For 3 horses to Burntisland, - - -	6	0	0
For Sir Alexander Gibson 5 rixdollars, - -	14	0	0
For ten days' allowance till the commissioners were decided, - - -	50	0	0
	<hr/>		
	£386	18	0

In the matter of the teinds the Magistrates, as patrons of St. John's Church, were sometimes greatly troubled and put to considerable expense. In 1680 letters of horning to compel payment were issued against Robert Lundy, Provost of Perth, and the other Magistrates by John, Earl of Tweeddale. The charge included 46s. of feu duty of the Great College Yard, 46s. for Lord Ruthven's House, and £120 Scots teind or tack duty for the teinds of Perth. The Magistrates were summoned before the Lords of Council and Session, and in their defence stated that they were wrongously and unwarrantably charged for this matter as they had hitherto paid it to the hospital, and they desired their lordships to declare who was to get the duty in future. They further said, "We being patrons of the Church of Perth have a right to the teinds within the parish, and to the teind tack duties of the same as our gift of patronage granted to us by James VI. and Queen Anne, and our charter of confirmation." The Magistrates offered to find caution for the amount, pending their lordship's summary, the pursuer "to appear before them, bringing with him the letters of horning, with the ground and warrants of the claim thereof to be shown and considered, and to hear and see the same suspended, and in the meantime to suspend the action *pro forma* according to justice." It does not appear what was the result of this action. In 1683 the Magistrates were nominated and appointed by the Privy Council, and every suspected person was disqualified. Several were cited before the Kirk-Session for attending conventicles, and handed over to the civil magistrate for punishment.

In 1685 Charles II., under whom all these vexatious

*Commissioners of Supply and Oath of Allegiance 177*

proceedings took place, died, and his brother, James VII., succeeded him. Under James persecutions became more numerous and severe. To be found reading the Bible or with a Bible in one's possession, going to, or coming from church, was punished with death. The Town Council of Perth were prohibited from meeting for the election of Magistrates until his Majesty's pleasure should be known. The Earl of Atholl was appointed to attend in the Council House when the Magistrates and Council took the test. No books were allowed to be printed without the consent of the Chancellor, the Earl of Perth, and articles could not be inserted in newspapers without the permission of the bishop or a member of the Privy Council. Various persons were imprisoned for publishing books denouncing Popery, while Catholics were allowed to circulate books indiscriminately.

In the Record office at Perth there is a document of this period of considerable importance (specially transcribed for this work). It is the oath of allegiance to James VII., sworn and signed by the Commissioners of Supply for Perthshire; and from its peculiar terms is an interesting and historical paper, and of much value as a local relic. Such an elaborate oath would not be entertained in our day:—

*The Oath of Allegiance, Supremacy, Declaration and Test signed by the Commissioners of Supply of Perthshire, to James the Seventh, 1686.*

We, the noblemen and gentlemen, Commissioners of Supply for the shire of Perth, appointed by the twelfth Act of his Majesty's first parliament, do for testifying our lawful obedience to our most gracious

sovereign, James the Seventh, affirm, testify and declare that we acknowledge our said sovereign as the only supreme governor of this kingdom, over all persons and in all causes, and that no foreign prince, power, state or person, civil or ecclesiastical, hath any jurisdiction, power, or superiority over the same ; and therefore utterly renounce and forsake all foreign power and jurisdiction, and shall to our utmost power defend, assist and maintain his Majesty's jurisdiction, as we shall answer to God. (Follows the acknowledgment of his Majesty's prerogative.)

Forasmuch as the Estates of Parliament, by their several Acts of the 11th and 25th January last, have in recognition of his Majesty's just right declared that it is an inherent privilege of the Crown, and an undoubted part of the Royal prerogative of the kings of this kingdom to have the sole choice and appointment of the officers of estate, Privy Councillors and Lords of Session, that the power of calling, holding and dissolving of parliaments and all conventions, and meetings of the Estates, doth solely rest with the King, and that as no parliament can be lawfully kept without his special warrant and presence, so no acts nor statutes passed in any parliament can be binding, or have the authority and force of laws, without the special approbation of his Majesty or his Commissioner ; that the power of arms, making of peace and war, and making of treaties and leagues with foreign princes or states, or at home by the subjects among themselves, doth properly rest with the King, his heirs and successors, and is their undoubted right, and that it is high treason for the subjects of this kingdom to rise or continue in arms, to maintain any forts or garrisons, to make peace or war, or to make any treaties or leagues with foreigners or among themselves, without his Majesty's authority ; that it is unlawful for subjects to convene or assemble themselves for holding of Councils, conventions and assemblies, to treat, consult and determine in any matters of State, civil and ecclesiastic, or to make leagues or bonds, upon whatsoever colour or pretence, without his Majesty's special consent and approbation ; that the League

and Covenant and all treaties following thereupon, and acts or deeds that do or may relate thereto are not obligatory, nor do they infer any obligation upon this kingdom or the subjects thereof, to meddle or interpose by arms, or any seditious way in anything concerning the religion and government of the churches in England and Ireland, or in what may concern the administration of his Majesty's Government; and that none of his Majesty's subjects should presume upon any pretext whatever to require the renewing or swearing of the said League and Covenant, or of any other covenants or public oaths concerning the government of the Church or Kingdom; and that none offer to renew or swear the same without his Majesty's warrant and approbation. We conform to the Acts of Parliament aforesaid, and declare that we acknowledge His Majesty's royal prerogative, right, and power in all particulars, and in the manner aforementioned; and we heartily give our consent thereto, by these presents, subscribed by us. (Follows the declaration appointed to be signed, also signatures.)

The reign of James VII. lasted four years, when on 4th April, 1689, the Convention Parliament or Estates of Parliament declared he had forfeited his right to the Crown (by his despotic conduct), and thereupon very properly deposed him. On the arrival of the Prince of Orange some months before this, the Covenanters flocked to his standard. This alarmed the Catholic supporters of James. The Chancellor fled, but Atholl turned round and joined King William. The Duke of Hamilton became the head of the Presbyterians, but Graham of Claverhouse remained firm to the King. The citizens of Perth gave in their adhesion to the new government, and at the Town Council meeting of February 18, 1689, the following proclamation of the Prince of Orange was recorded. It would be difficult to express in



words the gratification which was felt throughout Scotland, and particularly at Perth, on the arrival of this distinguished stranger, who was destined to introduce a new economy, and to afford the people an amount of civil and religious liberty which was denied them by the despotic rule of James VI. and his successors on the throne :—

Whereas the Lords and gentlemen of the Kingdom of Scotland met at Whitehall at our desire to advise what is to be done for securing the Protestant religion and restoring the laws and liberties of that kingdom. According to our declarations we have, for the attaining of these ends, called a meeting of the Estates to be held at Edinburgh in March next. Being desirous to do everything that may tend to the public good and happiness of that kingdom, we have fixed the said meeting for the 14th day of March. We do therefore require you on the receipt of this letter to make intimation of the same on the first mercat day at the Cross of the royal Burgh of Perth in the usual manner. And to appoint a day, at least five days after the said intimation, for the whole burgesses to meet and choose their commissioners for the meeting of the Estates on 14th March. A copy of this letter and of your intimation containing date of election to be affixed on the Mercat Cross: the burgesses and commissioners being Protestants without any other exception or limitation. Given at St. James's, 5th February, 1689.

*Sic Subscribitur*

WILLIAM OF ORANGE.

To the Town Clerk of Perth :

And for giving all due obedience to the foresaid letter and commission intimation is hereby given to the burgesses of Perth being Protestants that the day of election of Commissioners is appointed for Thursday, the last day of July, and that they timeously convene the said day so that they may enter on the election by 9 a.m. and proceed conform

to his Highness the Prince of Orange's letter. Direct to me on all points whereby publicly intimating the same the 22nd February, 1689, as being the first mercat day after receipt hereof, so that none may pretend ignorance.

*Sic Subscribitur*

LAURENCE OLIPHANT.

Some time after the Town Council of Perth signed the following oath of allegiance to King William and Queen Mary, under date 18th August, 1690 :—

Curia burgi de Perth tenta intra dictum burgum decimo octavo die mensis Augusti Anno Domini, millesimo sexcentesimo nonagesimo per prepositum et ballivos ejusdem burgi.

Curia legitime affirmata.

The Magistrates and Town Council of Perth with their Clerk, Clerk Depute, and Procurator Fiscal, in obedience to the proclamation of their Majesties' Privy Council, ordaining all persons in public trust to sign the certificate and assurance underwritten to their Majesties, of the date the 4th August instant, this has accordingly been done as underwritten, whereof the tenor follows, 'We, the provost, magistrates, and council of the burgh of Perth, do in the sincerity of heart assert, acknowledge and declare their Majesties, King William and Queen Marie, as the only lawful, undoubted sovereigns, King and Queen of Scotland, as well *de jure* as *de facto*, and in the exercise of the government. And therefore we sincerely and faithfully promise and engage that we will with heart and hand, life and goods, maintain and defend their Majesties' title and government against the late King James, his adherents, and all other enemies, who either by open or secret attempts shall disturb or disquiet their Majesties in the exercise thereof.'

[Here follow the signatures of the Magistrates, Deacons and Council, who sign in presence of the Earl of Argyle.]

## THE OLD COUNCIL HOUSE OF PERTH.

This building stretched across the High Street where the staircase of the new Council Chambers now stands. For a public edifice it was of plain construction. It formed a barrier towards the river on the side of the East Bridge port, having two archways which could be shut up and defended in times of danger. Its removal opened up that part of the town to further improvement. On 18th June, 1694, the magistrates were authorised to agree with wrights, masons, and others respecting a new Council House on the north shore, and to do the same for 7,000 merks. On 21st September following, a contract was entered into with William Milne, wright at Dupplin, on these terms. A protest was taken against the work by Provost Oliphant and his supporters; and the Deacon of the Wrights also protested against William Milne being employed before he was entered a freeman. This retarded the work till the Magistrates got a decret from the Privy Council of date 25th March, 1695. One of their lordships' reasons for granting the request was the Council having to meet in the session-house of the Kirk. Towards the end of 1696 the building was completed, and a characteristic entry appears in the record. The Council ordered a large table and carpet for the same, and if the carpet could not be procured in Edinburgh, to send to London for it; also three dozen good rash-bottomed leather chairs. They also ordered a landscape to be painted above the chimney-piece. All this was praiseworthy, and indicates improvement in the education and *personnel* of the Council. The old staircase, known as the

“braid stair,” was removed, and a circular tower or staircase erected. These buildings have recently been replaced by the present handsome and commodious buildings, which will stand for generations to come.

A scheme of great importance was discussed from August, 1697, to May, 1698, by the Provost and Magistrates of Perth and the University court of St. Andrews, with the approval of the Earl of Tullibardine, principal Secretary of State for Scotland. This was no less a proposal than the transference of St. Andrews University to Perth, the erection at Perth of university buildings, and the transference of the staff. The proposal arose from the languishing condition of St. Andrews and from its being in a very remote and isolated position, and not a place for attracting students. The reasons for the proposal were ably set forth in the letter of Sir Patrick Hume to the Earl of Tullibardine:—

EDINBURGH, *3rd September, 1697.*—This day I met the Lord Advocate concerning the matter of the university, and we considered the foundations of the several colleges and are both of opinion that there is nothing in them nor in law to hinder, but that if the King thinks fit a university may be transferred from St. Andrews, and settled in another place where it may be more convenient for the interest of the nation, and that the King may do it by Charter under the Great Seal, but the thing being new and of great weight, we apprehend your lordship would not solely take the responsibility of advising the King, nor would the King incline to do it without legal advice. What we have advised is that there should be reasons drawn showing that in law the university may be transferred to another place, and that it is most fit and convenient, and for the interest of the nation that it should be settled in Perth. These reasons are that St. Andrews is a

remote point of land lying at an outside, and living there is dearer than at other places. On these and other grounds the university had of late years considerably decayed. Whereas the town of Perth is very near the centre of the kingdom, and living is as cheap there as any where else, and being inland people have greater conveniences of sending their children there than to a remote place like St. Andrews. Perth being near to the Highlands, gentlemen there will have greater facilities for sending their children, and it may tend much to the civilising of the country that the university is settled in Perth. It is important that the universities should be situated at an equal distance from each other. As Edinburgh is at an equal distance from Glasgow, so the University of St. Andrews should be at an equal distance from Edinburgh. One of the reasons why it is so decayed is because it is too near Edinburgh, whereas if settled at Perth it would be at an equal distance from Edinburgh, and Aberdeen would be at an equal distance from Perth. These reasons will be more fully sent to your Lordship afterwards, and they may be given in with a petition to the King in which his Majesty may write to the Council that they may take the advice of the officers of State, and such lawyers as the King shall name, how far legally the College may be translated to another place, and whether it be not convenient, and for the interest of the Realm that it be settled at Perth. If the King is advised in the affirmative, he may give a Charter under the Great Seal which may be confirmed by Parliament.

*The Earl of Tullibardine to the Provost of Perth,  
February 16, 1698.*

I wonder that the town of Perth and the University of St. Andrews have not yet come to a settlement as to the removal of the University to Perth, which would prove so great an advantage to the town. I hope the town will go as far as they can to accommodate them—the King grant the order for removal, which order I will endeavour to procure, after you have acquainted me that all is settled.—I am, etc.,

TULLIBARDINE.

*Extract Minute of Town Council, February 29, 1698.*

The Council having heard the letter of Lord Tullibardine, signifying that he wondered that the University and the town of Perth had not yet come to a settlement, which was considered by them together with a letter from the masters of the University, dated 12th January last. In compliance with that letter they appoint Bailies Davidson, Ramsay, and the Convener to meet with the masters of the University at Newburgh on Tuesday to discuss the transference of the said University. At the Newburgh meeting the Commissioners stated that they had a commission from their constituents to assure the masters of the University that they shall make them heartily welcome; and that for their encouragement they shall make that great lodging<sup>1</sup> whereof they are heritable custodiers situate next the Speygate Port to be for the university's service, with the yards and pertinents thereof, and likewise they shall have the sum of 20,000 merks in readiness for defraying the expense of the rest of the buildings of the said university, which, together with the lodging, may be estimated worth 80,000 merks. Yet they are sensible that this will be found insufficient for building of three several colleges as they are at present at St. Andrews. Therefore, and for the better expediting of the work, they desire to be informed by the masters of the university how many chambers and rooms will be required for accommodating each of the three colleges. On being informed of this, they will take advice what sum it will require over and above what they propose, that they may address the King's Majesty for obtaining a public grant for expediting so good and so public a work. *Second.*—That the offer that was made by the university of the vacant seats of the new college may be forthcoming according to the submission at Huntingtower. *Third.*—That in case the transference shall take effect, and the university be accommodated in Perth, the whole buildings, yards, and others belonging to the university shall be given to the town of Perth to recompense them for their expense in this matter.

<sup>1</sup> Gowrie House.

The retirement from office of Lord Tullibardine at the time when the correspondence drops, seems to have been the only cause why the matter was not carried out and why there is not at present a university in Perth rather than at St. Andrews. It is singular that a proposition of so great importance to Perth should have been allowed to drop in so mysterious a manner without cause assigned. In many respects this was unfortunate, for no more central place could have been found than Perth. The carrying out of the scheme would have had a material effect on the city and its inhabitants, and on its commercial and general prosperity. The attitude of the Town Council was very creditable. The correspondence does them much honour, and manifests a spirit of liberality and appreciation that was equal to the great scheme they had in hand, and this at a time when a narrower policy might have been expected to prevail.

The Magistrates and Town Council resolved, in 1701, to present the following loyal address to King William. The arrival of William created immense excitement :—

We, your Majesty's most dutiful and loyal subjects, having the honour at this time to represent your Majesty's royal burgh of Perth, that for the antiquity thereof, and other privileges, it has been honoured by your loyal ancestors, is ranked the second burgh of this your ancient kingdom. Having under our consideration that this burgh has never been behind others in witnessing their zeal for religion and loyalty, but rather before them, as is evident from that famous instance of defending the Protestant religion, laws, and liberties against the French in the reign of Queen Mary, in which action

they exhibited such wonderful courage and valour that it is remembered to their credit to this day.

We cannot then allow ourselves to degenerate so far from the noble steps of our ancestors as to neglect this opportunity of joining with others of your Majesty's dutiful subjects in witnessing the deep sense we have of the great deliverance from Popery [and slavery] whereof the King of kings hath made your Majesty the royal and glorious instrument; of the great blessings of the free exercise of our religion, laws and liberties which we enjoy under your Majesty's happy and auspicious reign; and feeling the unparalleled injustice of the French King in causing to be proclaimed the pretended Prince of Wales, King of this and your Majesty's other dominions contrary to all right and faith. Wherefore in just indignation at this proceeding, we humbly crave leave to assure your Majesty that we will constantly adhere to you as our only rightful and undoubted sovereign, and to the utmost of our power defend your royal person and support your government against the pretended Prince of Wales, and all others your Majesty's enemies without exception. Signed at Perth the 8th day of December 1701, by your Majesty's most faithful, most loyal and most dutiful subjects and servants. (Here follow the signatures.)

The dismissal of Robert Graham from the Town Clerkship in 1716 was followed by considerable discussion as to who was to be his successor.<sup>1</sup> The Council eventually appointed James Richardson, and entered the following deliverance on the Record:—

Be it known to all men by these presents; we, the Provost, Bailies, Dean of Guild, Treasurer, Council, and Deacons of Crafts of the burgh of Perth subscribing: Forasmuch as the principal clerkship

<sup>1</sup> It is evidently the initials of this Robert Graham that are engraved on the lintel of the King's Arms' Close, High Street, which would mean that in 1699 he was owner of the property.



of the burgh is now vacant, and become in our hands and at our gift and disposal, through the dismissal of Robert Graham, lately Town Clerk; and in being satisfied with the qualifications of James Richardson, Sheriff Clerk Depute of Perth, and having confidence in him that he will faithfully exercise and discharge the said office, therefore we have given and granted, and by these presents we, for ourselves and successors in office, give and grant to James Richardson the office of Town Clerk and all its emoluments, fees, and casualties thereof during his lifetime, he not committing a crime worthy of deprivation; with power to him to use and exercise the said office as fully and truly in all respects as any other principal clerk of the town used to do. Without prejudice, nevertheless, to George Miller, Clerk Depute of one fifth part of the fees and emoluments of said office during his serving as Clerk Depute as the same are provided to him by an Act of the Town Council dated 24th day of September last. Consenting for more security to the registration hereof in the books of Council and Session or others competent therein to remain for conservation. Constitute for that effect Charles Tawse, notary in Perth. . . . our procurator. In witness whereof, these presents written by the said George Miller are subscribed at Perth the 31st December, 1716, before Patrick Reoch, writer in Perth, and the said George Miller. (Here follow the signatures of the Council.)

## CHAPTER XIX.

Perth and the Reformation of 1559—The fight for the Sheriff Clerkship—The famous Pacification of Perth subscribed by the Lords of the Privy Council—Commendator of Aberbrothock becomes pirate and seizes boats on the Tay—Perth and its commercial activity in the middle ages—Detailed Report and condition of the Common Good—Town Council petition Parliament to introduce Protection—Donald M'Donald gifted for life to the Earl of Tullibardine—Two petitions to Parliament by the Council against the Union—Duke of Atholl borrows the town's hangman—Town Council present an Address to King George—Public Library and Rules proposed in 1723—The Town and the Monastery litigation case.

THE dawn of the Reformation in 1559 and its subsequent development have long since been matters of history. In that movement Perth played a prominent part; a most important place was the Ancient Capital in those days. In short, it may be said that from the time of Columba it maintained its position not only as the Ancient Capital, but as the great centre of the life of the Scottish nation. Its situation was in some respects an unenviable one, if we may judge from its military experience, for the citizens were constantly on their defence, and constantly harassed by besiegers. From its numerous sieges, the Ancient Capital in a smaller way was not unlike Jerusalem of old. At one time it was held by a French garrison; at another time by an English garrison; at another time by Cromwell, till at last its poor harassed

inhabitants, on peace being arranged with England, were thankful to be allowed to "study war no more," and to return to their peaceful avocations. What our brave ancestors suffered during these troublous times we have no means of knowing accurately, for only very brief narratives of leading events have been recorded. The civil war between Catholics and Protestants was vigorously carried on from one generation to another; and while the Reformation was a great factor in the prosecution of this warfare, it greatly accentuated the feeling of animosity which reigned supreme between these two sections until the close of the eighteenth century. At the Reformation, Mary of Lorraine, sometimes called Mary of Guise, widow of James V., was Regent, and was the head of the Catholic party in Scotland, while the general recognition of the Catholic faith was the one object of her life. Notwithstanding this, she was by many Presbyterians regarded as a wise and judicious ruler, while she undoubtedly possessed the confidence of both Catholics and Reformers. The movement which brought about the Reformation quite inadvertently began by the Regent issuing a proclamation requiring her subjects to observe Easter according to the Catholic form.

At this eventful crisis John Knox arrived in Perth on 10th May, 1559. The following day crowds flocked to the church to hear his sermon. St. John's was at that date one spacious church without divisions, and its floor was simply earth and stones. Before the speaker arrived the church was full. During the service a number of priests stood in a line in front of the high altar, clothed in gorgeous vestments, as if to overawe the multitude by the splendour with which

the altar and its attendants were adorned. The Earl of Argyle and James Stuart, Prior of St. Andrews (afterwards the Regent Moray), withdrew to one of the aisles. John Erskine of Dun, Ogilvie of Inverarity and Scott of Abbotshall advanced with Knox to the foot of the pulpit stair, where room was made for them. Knox preached a powerful sermon on the present and past state of the Church, concluding with a passage in which an angel is represented as casting down a great millstone, exclaiming, "Thus with violence shall Babylon be thrown down," and exhorting the audience to put away the unclean thing from among them. It would appear that Knox, with the attendant lords, withdrew unobserved from the church during the excitement which followed, and for some time the people stood as if expecting Knox again to appear, but he did not. In front of an altar, surmounted by an ebony crucifix having a figure of the Saviour, several priests kneeled. The tapers were lit, and as they began a chant, which was responded to by voices in the opposite aisle, a curtain behind the crucifix slowly rose, disclosing the scene of the martyrdom of St. Bartholomew. "Down with the profane mummery!" cried one of the audience. "Blasphemer!" responded another, and struck the other to the ground. This individual lifted a stone, and throwing it at the priest, it struck the altar, and broke in pieces an image. The crowd in the choir rushed towards the shrine of St. Bartholomew, the balustrade gave way, and ere the priests got up they were trampled upon, the altar overthrown, the pictures torn from the wall, and the ornaments wrenched from their places and demolished. Other altars shared the same fate, and

within an hour or two the invaluable contents of the interior were destroyed. Considering the highly unpretentious nature of this monastery, especially the building, this large stock of wines and food stuffs was a great surprise. The mob then made for the Greyfriars Monastery, but they found that another mob had already destroyed it. "Alas," said one man to another, "they go to the Chartreuse, that princely edifice, the glory of Scotland, the pride of Perth; the Queen will go mad. Something must be done. Surely their hands may be stayed." The Charterhouse met the same fate, excepting that the conservatory above the vault with its famous gateway was alone saved of all the monastic buildings of Perth. This gateway was removed to and was long deemed the chief ornament of St. John's Church, but has long since disappeared. The Greyfriars Monastery was well equipped. Their stock of napery and blankets is said to have been the finest in Scotland. There were but eight persons in this monastery, yet they had no less than eight puncheons of salt beef, wine, beer, and ale, besides stores of victual. Within two days these great monasteries were so destroyed that the walls only remained.

The Regent was not slow to take advantage of these unlawful proceedings. She summoned the nobility and gentry to Stirling, represented to them that the Reformers were rebels whose object was not religion but to subvert the authority of Government. Notwithstanding her promise to John Erskine of Dun, she raised an army and resolved to give battle to the Reformers at Perth. Her troops probably numbered 5,000, and she halted some days at Auchterarder *en route*. The Reformers

wrote her denying that they meant to subvert the authority of the Government, and at the same time requested their friends all over the country to come to their support. The Regent began to waver at the formidable opposition, and sent Argyle and Lord James Stuart to effect an amicable arrangement. This was done, the conditions being that both armies should disperse; that the inhabitants should not be molested in their religion, and that the French should not enter the town. These terms being arranged, her commissioners, who had signed the convention, returned to Auchterarder. Three days afterwards the Regent broke this treaty, marched from Auchterarder to Perth, entered the town on 29th May with a French force under D'Oysel, commander in chief, dismissed Lord Ruthven, the Provost, and the rest of the Magistrates, and put Charteris of Kinfauns in Ruthven's place. The Regent was attended by several of her leaders, and by the Duke of Hamilton, the Earl of Atholl, the Earl Marischal, D'Oysel, the French commander, and many others, with an escort of French musketeers. To the sound of music the Regent approached the Highgate port, the gate of which was thrown open, revealing a crowded street beyond. There she received the keys of the surrendered city from Lord Ruthven and the Magistrates, along with whom stood Argyll and the Lord James. Every available spot in the neighbourhood, including windows, stairs, and balconies, was crowded with spectators. It is said that she looked anxious and careworn, and though the charm of her beauty remained, her eye had lost the sparkle of other days. She was at this date only forty years of age, and is said to have been a

captivating woman, and rode majestically through the streets on horseback in the midst of her ladies and lords, bishops, and military escort. The sight of her French soldiers smothered the enthusiasm of the citizens. Whether she lodged in the Blackfriars Monastery or in the Provost of Methven's house (exchanged with James IV. for the lands of Busbie) is not recorded. A curious incident occurred on this occasion. When the Regent's French escort were passing along the streets they indulged in a little musket firing, and a shot accidentally struck a boy, who was son of Murray of Tibbermore, and killed him. The Regent, on being told of the occurrence, is reported to have said: "It is a pity it chanced on the son, and not on the father; but as it has chanced I cannot help fortune." The Regent has been blamed for these remarks, but considering the circumstances of the time, we cannot blame her. It was an arbitrary proceeding to remove Ruthven from the Provostship, and appoint Charteris of Kinfauns. She remained a few days in Perth, and left a French garrison of 600 to defend it against the Reformers. As soon as she had gone, Argyll, the Lord James, Ruthven, and others, who considered she had committed a breach of faith with them in leaving this garrison, left Perth and went to St. Andrews. The Regent ordered their immediate return, but they promptly refused as a mark of displeasure at her treacherous behaviour. This decision meant war. Knox went over to St. Andrews the following Sunday and preached against idolatry from the passage that describes our Saviour driving the buyers and sellers from the temple. On this occasion the congregation, headed

by the authorities of St. Andrews, went out of the church and levelled to the ground some of the monastic buildings there. The Regent, who with her troops had gone from Perth to Falkland, gave orders when she heard of this to march immediately on St. Andrews. Argyll and Stuart, who headed the Reformers, mustered their supporters, and on the 12th June 3,000 had assembled under their standard on Cupar Moor. The Regent began to get timid, and a truce of eight days was ultimately agreed to by both parties. By that truce the Regent was to retire to Falkland; Frenchmen were to leave Fife with certain exceptions, and commissioners from the Regent were to meet the Lords of the Congregation to arrange terms of peace. When the stipulated time came, no commissioners arrived, and Argyll and Stuart wrote the Regent remonstrating with her for breaking the convention, and, receiving no answer, they resolved to drive the forces of the Regent out of Perth. The Reformers therefore assembled their troops in the vicinity of Perth on the 24th June, and demanded of Provost Charteris admission to the town; that the French garrison should instantly leave it; the true religion to be maintained as formerly, and idolatry suppressed. On his refusal the town was again summoned to surrender, but all in vain. Consequently, on 25th June, at 10 p.m., the batteries were opened by Lord Ruthven in the west, and by a Dundee contingent in the east. The Regent sent no assistance to the garrison, and the town surrendered to the Reformers the following day. The Bishop of Moray resided at the palace of Scone at this period. The Dundee contingent



formed part of the retinue of the Reformers, and were determined enemies of the Catholics: one of their number being killed, they blamed the bishop as being the cause of it, and a quarrel ensued. They immediately went out to the Abbey, and pulled down the altars, ornaments, and images. Knox and the Provost of Dundee followed them to restrain their fury, and being anxious to save the palace and abbey Argyll and Stuart were sent for, who drew off the mob and induced them to return to Perth. Next morning the Dundee contingent again went out with the view of spoil, when they and the bishop's servants quarrelled, a scuffle took place, and a Dundee man was again killed. Some citizens of Perth were sent for, who immediately went out to aid Dundee. The result was that the palace and abbey were attacked and set on fire. Knox and the leading Reformers did all they could to prevent this, but it was of no avail. Argyll and Stuart, with 300 followers, had left Perth for Stirling the previous night on their return from Scone, to circumvent the Regent, who proposed putting a garrison there. These men arrived at Stirling next morning, and found religious houses and every Catholic monument destroyed. They pledged themselves to prosecute the cause of the Reformation against all opposition. In proof of this each of the 300 put a rope round his neck instead of ribands, thereby meaning that whoever deserted the colours should be hanged by these ropes. Hence arose the expression "St. Johnstoun Ribands." The Regent, who had reached Edinburgh, retired to Dunbar, while the Reformers went to Edinburgh. Lord Seton, the Provost, who was a Catholic, had

abandoned it, and all its religious houses had also been destroyed. The Reformers were induced to seek help from England, while the Regent got assistance from France.

In January, 1560, a treaty was concluded between Queen Elizabeth and the congregation (the Reformers), called the Treaty of Berwick, and its negotiation appears to have been quite ludicrous. The Scots were always very jealous of England, and on this occasion they would not cross the border to discuss the treaty, but met the English by appointment on benches erected in the middle of the river Tweed, which was the natural boundary, and where the business was transacted. The details would have been interesting, but they have not been preserved. Some months after this the Regent, who was with her forces at Leith, sick and wearied with anxieties, was taken, when the siege of Leith began, to Edinburgh Castle, and died there on 10th June, 1560. It is a curious fact that she sent for James Stuart, and spoke in a penitent spirit of all that had happened, and even permitted Willock, one of the persecuted preachers, to converse with her on religious matters. On her death-bed she showed that magnanimity and generous feeling which her remarkable race could assume on all fitting occasions; so much so that she left a profound impression even on the hard minds of the sturdiest of the Reformers.<sup>1</sup> The Regent and her daughter, Mary Queen of Scots, were very devoted to each other, and the demise of the Regent was a great shock to the young queen. She arrived from France on 1st August, and from that date our local and national

<sup>1</sup> Hill Burton.

history became full of thrilling events. The Stuarts resided a considerable part of their life in the Castle of Perth, and occasionally in Blackfriars Monastery, and it is much to be regretted that so little of the life of that period has been recorded, or if recorded has been lost. The proceedings at Perth which brought about the Reformation created immense sensation not only in England and Scotland, but all over Europe. It caused the downfall of the Catholic religion as the national religion, and from that date the Reformed Church has maintained its position as the national church. We come now to an event of a different nature.

There is in the Register of the Privy Council a rather amusing incident under date Perth, 26th April, 1564, in the reign of Queen Mary.

A petition was presented to the Lords of Council and Session by Andrew Rollo of Duncrub, stating that he had sundry actions depending before the sheriff at Perth, but that he could not get the sheriff to proceed with them. Patrick, Lord Ruthven, Sheriff of Perth, compeered before their lordships and alleged that neither could he deliver the evidence required nor proceed in the actions, by reason of the controversy standing between the persons pretending to have interest or title in the Sheriff-clerkship. James M'Breck of Campsie, alleged heritable Sheriff - Clerk of Perth, also compeered, and produced a precept of the Privy Council of the gift of the office made to him by the Regent, declaring that he had substituted John Muschet as depute under him in that office, and had taken his oath in the Sheriff Court held in the Tolbooth of Perth on the 11th April. John

Drummond also compeered, and produced an assignation made by James M'Breck, making and constituting Alexander M'Breck, his son, his assignee in the office of sheriff clerk, with assignation by Sir Robert Rollo, of 2nd May, 1560, where it is narrated at greater length; also an instrument of the intimation of the assignation to Patrick, Lord Ruthven, Sheriff of Perth, and of the assignation by Alexander M'Breck to James Drummond of the said office. There was also produced the assignation by Alexander M'Breck, assignee, with consent of Sir Robert Rollo, his curator, and James Drummond and his substitutes of the Sheriff Clerkship of Perth for nine years immediately following the feast of Michaelmas preceding the date of the assignation, 12th and 13th April, alleging that he had been in possession of the office for the last three years, and desiring in respect of his possession, and title produced, that he be continued in the office. The Sheriff stated that neither James M'Breck nor any of his deutes had right to the office, but that the right thereof should belong to him as Sheriff to place Clerks of Court whereof it behoved him to answer and be responsible to the Crown.

The Lords of the Secret Council ordained parties to pursue their rights and interest before the Lords of Session; and Patrick, Lord Ruthven, and the deutes to proceed and do justice to the action, and James Drummond to have the office of Sheriff-Clerk in respect of his present possession thereof being lawfully put there without prejudice to the party having the best right, and obtaining the office before the Lords of Session. The Lords ordained James M'Breck to deliver to James Drummond the Sheriff

Court books and all writings concerning that office, that the same may be available to the Sheriff and his deputes and all parties having interest therein. James Drummond was ordained to find sufficient caution and surety for delivery of these to James M'Breck in case of eviction from office before the Lords of Session.

Half a century after this, or in 1614, the same question again came to the front in the form of an ordinance from the King, but we have no prior debate recorded. The office was no doubt a lucrative one at that period, and its possessor had considerable influence both in town and county. This ordinance was as follows:—

EDINBURGH, *24th April, 1614.*—Forasmuch as the King is creditably informed that James Drummond, Sheriff Clerk of Perth, is not only so old that he is altogether unable to discharge the duties of that office, but that he and Harry Drummond, his son, who pretends to have right to the office, are so often, and at the instance of several parties, denounced rebels, that it is undesirable that they should be employed as ministers of justice in any position whatever. Therefore the Lords of Secret Council ordain James and Harry Drummond, who pretend to have right to the Sheriff Clerkship, as also William, Earl of Tullibardine, Sheriff-Principal of the County, to appear personally before their Lordships on the 17th May next; James Drummond and his son to answer to the premises and to bring with them sufficient letters of relaxation from the hornings which they underlie whereby it may be understood by the Lords if they as lawful and obedient subjects do serve in the said office, and if for their ability, knowledge, and judgment, they are worthy to be continued therein; and if the Drummonds or any of them be visited with sickness so that they cannot appear, then they may do so by a procurator sufficiently instructed to answer for them.

The Earl to inform the Lords of the true state of that office and to receive the Lords' directions for the appointment of sufficient and qualified deputies to serve therein and to accept of such sheriff clerk as shall be recommended by His Majesty or the said Lords. All this under pain of rebellion and putting of these persons to the horn. James Drummond and his son, if they appear not on the day named, a qualified person shall be preferred to the office and they shall be debarred and removed therefrom.

At this point the matter seems to have terminated, for we find nothing further recorded.

Whatever may have been the extent to which superstition prevailed in times when the great mass of the population were very illiterate, and many of the nobility unable to read, far less write, it is believed that the moral condition of Scotland was not after the Reformation greatly renovated by the Reformed preachers who succeeded the deposed clergy.<sup>1</sup> This, however, may be a debatable question, and one on which intelligible arguments can be put forward on both sides; but the ecclesiastical condition of Scotland for long after this period did not tend to edification.

The Reformation was succeeded by twelve years of bitter animosity amongst the inhabitants—the Reformers and their supporters on one side, and the Catholics on the other. Apart from the question of religion, this period included some of the most astounding events that have happened in Scottish history, *e.g.*, the Riccio and Darnley murders, the thrilling events in the reign of Queen Mary, her seizure at Carberry Hill and imprisonment at Lochleven, her flight into England, and the assassination of the Regent Moray.

<sup>1</sup> Book of Perth.

The condition of the Realm was lamentable; something like anarchy prevailed, while the Government was notoriously weak. The Regents Moray, Lennox, Mar, and Morton all came to an untimely end; and all of them, from their avaricious conduct, were incapable of being at the head of the Administration. The result, as might be expected, was that the kingdom was rent with internal troubles, every man practically being a law unto himself. The King was a boy mentally and physically, a fact which accentuated the situation.

When this unfortunate state of matters exhausted itself, the Earl of Argyll, who was probably the strongest man of the period, and appears to have carefully and anxiously considered the situation, drew up along with his companions a very able and a very remarkable document, known in history as "The Pacification of Perth." This paper was eminently called for; and though it is not recorded in as many words, there is no doubt it was greatly instrumental in securing peace, and in restoring the country to its normal condition. A Privy Council meeting was held at Perth on 23rd February, 1572: present, Archibald, Earl of Argyll, Lord Chancellor, John, Earl of Montrose, Master of Graham, William, Lord Ruthven, Robert, Lord Boyd, and many others. It was convened for the purpose of discussing the removal of the public troubles and civil war which had so long continued. This paper was in the following terms:—

All persons who claim to enjoy any benefits from the Pacification and of the King's favour and

pardon, shall acknowledge and profess the confession of the Christian faith and true religion of Jesus Christ now preached in this realm, established and authorised by law and by Acts of Parliament in the first year of the King's reign, and to the utmost of their power shall maintain and assist the true preachers and professors of the Word of God against all enemies whatever, and against all such of whatever realm who bound themselves to execute the cruel deeds of the Council of Trent called by adversaries of God's truth the Holy League. The Earl of Huntly, Lord John Hamilton, and others, shall submit themselves to the King's obedience and to the government of James, Earl of Morton, Regent, and other Regents during the King's minority, and in all time coming recognise the King's authority, and such of them as have a vote in Parliament to give assistance thereto.

All persons professing obedience, and dispossessed of their property, shall be restored to their property and lands. For execution hereof letters to be addressed within six days after the charge to the Regent, so that things promised shall be performed at the sight and discretion of John, Earl of Montrose, Lord Glamis, and John Wishart of Pitarro for acts committed north of the Tay. They to sit in the burgh of Perth. Robert, Lord Boyd, Mark, Commendator of Newbattle, and Sir John Bellenden for acts committed south of the Tay. They to sit in Edinburgh. Parties charged under the Pacification to get a year and a day to submit.

Forasmuch or for the better assurance of the persons now returning to obedience and observing the conditions, specified pledges have been required, as also caution and sureties for their obedience in time coming. The Earl of Huntly and Lord John Hamilton, at the request of Sir Henry Killigrew, the English ambassador, referred themselves to the discretion of the Regent regarding the delivery of these pledges. It is agreed that by act of Parliament it shall be decerned and declared that sentences passed by forfait, as well as hornings and penalties following thereupon against George,



Earl of Huntly, the Hamiltons, and others, before the Regent and Lords of the Privy Council, shall not be executed, but be void and of none effect, without any process of reduction thereupon.

By Act of Parliament it shall be declared that all persons returning to their obedience, or for crimes committed in the said common cause since 15th June, 1567, shall be restored to their possessions and friends to enjoy the same as formerly. (15th June was the engagement at Carberry Hill, when the Queen was seized and imprisoned.)

As touching the article requiring that an Act of Parliament shall pass declaring these persons to be discharged of all crimes or offences whatever committed by them since 15th June, 1567, the same is agreed to, saving in so far as it may extend to the murders of the Regent Moray and the Regent Lennox, which are matters of so serious importance that the Regent himself cannot remit them. But it is agreed touching the remission of these murders being moved by the persons craving remission from the Queen of England, that the Regent, with the advice of Parliament, shall perform, observe, and fulfil the same. Which remission in form of Act of Parliament, subscribed by the Clerk Register, shall be good and sufficient as if given under the Great Seal. If any person desire remission for crimes committed before 15th June, 1567, the same shall be granted, the murder of the King's father and other murders, fire raising, theft, incest, and witchcraft excepted.<sup>1</sup>

No horning for payment of debts executed against persons returning to the King's obedience during the troubles shall be available. This Pacification shall be a sufficient relaxation from all horning as if they were specially relaxed. Subscribed by

ARGYLL.	RUTHVEN.
HUNTLY.	R. BOYD.
MONTROSE.	R. DUNFERMLINE.
J. H. ARBROATH.	BELLENDEN.

<sup>1</sup> Morton, the Regent, was one of the murderers of the King's father.

Six months after the issue of this official document, we find the Commendator of Aberbrothock, a man who might be expected to lead an exemplary life, assuming an entirely new profession and becoming a common pirate or thief. This will be fully understood from the following narrative, dated from Stirling Castle, 15th September, 1572:—

On the 25th August last, sundry of the inhabitants of Dundee, returning from Bartholomew Fair, believing no evil of any person but to live in peace as the lieges of his Majesty. Notwithstanding this, George, Commendator of Aberbrothock, accompanied by a great number of hagbutters and others, living in fear of war, took by force certain of the inhabitants prisoners, viz., Robert and David Jack, Thomas Rattray, his son, and John Crieghton, with their goods and gear, and carried them away to Aberbrothock, and there detained them prisoners until they could find caution each one of them in a penalty of 200 merks, and that they should surrender again, as they should be required, on three days' notice. The Commendator, not content with the wrong and the injury committed by him, on the 27th of the same month came to the mouth of the Earn near St. Johnstoun accompanied in the manner aforesaid, and seized a boat laden with sundry Dundee merchants' goods as it was passing up the river to St. Johnstoun to the market and fair called St. John's Fair, carried the same away, to the value of five or six thousand merks, whereby the owners of these goods were utterly robbed. These, for the most part, were goods they had to sell to obtain sustentation for themselves, their wives and children. The Commendator chased sundry other boats passing up the river, shot hagbutts and daggers at the persons therein, and wounded William Gold and several others to the effusion of blood. He daily and continually awaited not only their slaughter, but the seizing of their goods and gear in contempt of the

King's authority and laws, thereby setting an evil example to others to do the same if this be suffered to remain unpunished.

The Commendator was ordained to deliver the goods seized by him and his accomplices, to any one of the owners of the same having authority, within twenty-four hours after this charge, or else compeer personally before the Regent and Lords of Secret Council the third day after the charge and answer to the complaint, and also to undergo such other order as should be declared against him for the welfare of the country under pain of rebellion and putting him to the horn, with certification in case of failure to put him to the horn, and forfeit all his movable goods to the King. The Commendator not compeering, the Regent ordained the Sheriffs in that part of the country to denounce him as a rebel, and put him to the horn and escheat his goods, etc.<sup>1</sup>

Prior to 1286 the merchants of Perth carried on an extensive trade with the Netherlands and visited the Hanse towns in their own ships. The Germans very early frequented the port of Perth, and many of them settled in the town, were made burgesses, and are said to have introduced the manufacture of linen and woollen goods and the staining and dyeing of cloth. William the Lion declared them to be disqualified to be burgesses, and placed a prohibitive duty on their manufactures. It is undoubted that in early times a large commercial trade was carried on here. The choice position of Perth and its abundant supply of trading vessels aided materially in promoting its commercial importance. One of its principal manufactures was gloves, and these were

<sup>1</sup> Privy Council Register.





famous over the kingdom. Above 30,000 pairs were made and sold annually. This appears to have continued till the Rebellion of 1745, when a more brisk trade in tanning and currying set in. This trade, but in a smaller way, had been going on for centuries, and gave the name of the street to the Skinnergate. The manufacture of cotton fabrics, imitation Indian shawls, scarfs, umbrella gingham, etc., was largely carried on. The number of hand-loom was at one time 2,400. The spinning of flax and the making of fabrics of mixed cotton and wool were also carried on. For many years there is said to have been a flourishing shipbuilding trade, also iron-working, paper-making, bleaching, brewing, and distilling. There was also an oil mill which stood at the Castle Gable, and eventually in 1751 was sold to the town. It is described as being part of the ground of the "malt barn lying on the east side of the Castle Gable, and now forming part of the highway between the oil mill and saw mill now turned into a lint mill, and the North Inch."

There was a cotton mill at Stanley, another at Cromwell Park, another at Stormontfield, and another at Luncarty. There were also four bleach-fields—viz., Luncarty, Huntingtower, Tulloch, and Stormontfield. At the two former, above sixty acres at each work was sometimes covered with linen. The manufacture of boots and shoes brought in an annual revenue of £8,000, chiefly from London. In tanning, from 4,000 to 5,000 hides, and about 500 dozen calf skins were put through annually, yielding a revenue of £10,000. There was a paper mill in the neighbourhood at one period, producing annually 10,000 reams of paper; 8,000 reams blue paper, cartridge,

brown, etc. The revenue from this was estimated at £8,000, chiefly for the London market. The Salmon Fishings yielded £7,000 per annum, of which the town of Perth received £1,000. A smack sailed for London every four days from Perth Harbour. These vessels returned with porter, cheese, groceries, for consumpt in the town. The mills belonging to the burgh were rented at £800 per annum. The exports were small, but the imports then amounted to £30,000 per annum, the largest portion being for flax and flax seed. In shipping, 209 vessels cleared out in 1781, and 319 in 1791. In 1781, the arrivals were 518 vessels, and in 1791, 887. The latter increase was owing to the improvements in agriculture, as 360 of them later carried limestone.<sup>1</sup> The opening of railways in the succeeding century almost annihilated the shipping trade at the port of Perth.

At a later period, viz., in 1794, Mr. John Young, by order of the Perth Literary and Antiquarian Society, reported as follows on the trade of Perth:—

The staple manufacture of Perth is linen, and of late a considerable quantity of cotton cloth. There are above 1,500 looms employed in the town and suburbs, and the manufacture of linen and cotton annually amounts to £100,000 sterling. Besides this, there is at least £120,000 more in value of linen purchased in Perth market by the dealers. The different fabrics may be allocated as follows:

Linen handkerchiefs with Britannias, knittings, for export - - - - -	£120,000
Holland sheetings, shirtings, and lawns -	12,000
Brown and white country linens for hat linings, buckrum, etc., brown hollands, hessians, pack sheetings and other coarse fabrics }	20,000
Umbrella linens and linens for window blinds -	8,000
Shawl cloths, calicoes, muslin produced from cotton yarn . - - - - -	60,000
	<hr/>
	£220,000

<sup>1</sup> Scott.

There were three printfields in the vicinity, viz., Ruthvenfield (Young, Richardson & Caw); Cromwell Park (Melliss & Co.); Tulloch (Sandeman, Lindsay & Co.). The turnover of these was estimated at £80,000 per annum.

The following is an interesting account of the state and condition of the Common Good of the town of Perth, made up by the Magistrates to the Commissioners appointed by the Forty-First Act of the Convention of Burghs in July, 1699, to visit and report on the condition of the burgh of Perth:—

1. The town of Perth's debts being at Martinmas, 1697, 62,000 merks, they did at that term, by warrant from the Royal Burghs, roup and set for the space of nine years the four Common Mills, two Inches, fishings, Meal Market, Weigh-house, Bridge of Earn, and duty of the parks, for the sum of 45,790 merks, payable at Martinmas, 1698; and at that term did pay a part of their credit outwith the said nine years' tack duty, so that the town's debt at Martinmas, 1698, was reduced to 16,210 merks; and ever since, having so little incoming because of the said nine years' tack, the town has contracted 14,000 merks within these two years. The debt now amounts to 30,210 merks.

And as for the town's yearly rent and incoming until the expiry of the said nine years, they have nothing but the custom and rents of the four ports and Burghmuir, which cannot be reckoned to be (*communibus annis*) above five thousand merks - - - - - £3,333 6 8

By the account on the other side the town is yearly superexpended during the continuance of the foresaid nine years' tack in the sum of £3,418 18s. - - - - - 3,418 8 0

£6,751 14 8

The interest of the said 30,210 merks being yearly - - - - - £1,208 8 0

To the town's two ministers yearly—the tithes payable by the heritors of the parish - - 300 0 0

0



The schoolmaster and three doctors yearly	-	£500	0	0
The town's officers, piper and drummer, their clothes and fines	- - - - -	400	0	0
The Town Clerk and Fiscal, yearly salary	-	200	0	0
The two servants for keeping the clock and ringing the bells	- - - - -	150	0	0
The town's executioner	- - - - -	80	0	0
The town's slater for mending the roof of the kirk, mills, and other works, yearly	- -	80	0	0
Yearly for upholding the fabric of the two kirks, four Common Mills, mill lade, Lowswark, shores, streets, and other public works, 2,000 merks	- - - - -	1,333	6	8
Yearly contingent charges spent by the Magistrates and Council in the town's affairs,	- -	1,000	0	0
At the meetings of the burgh Parliament, missive and aqua dues, and pleas-of-law at Edinburgh	- - - - -	1,000	0	0
The town's advocates' and agents' fees	- -	100	0	0
And the town being obliged by these nine years' tack of the four Common Mills to warrant the liquors made of the multure malt to be free of excise, so that the town pays yearly of excise to the collectors thereof betwixt £400 and £500 Scots	- - - - -	400	0	0
		<hr/>		
		£6,751	14	8

The finances of the town have developed into huge dimensions since this state of affairs was made up. At that period the ravages of war and the scarcity of victual had a depressing effect on the people, and doubtless affected the revenue. There was also the decay of trade and the oppressive quartering of the soldiers on the inhabitants, which made it necessary in 1700 for the authorities to present the following petition to Parliament :—

That whereas these several years past we have beside the calamities of war and dearth which were common to us with others of the kingdom suffered most seriously as being the place where the greatest

confluence of his Majesty's forces did meet and lie for reducing the Highlands and maintaining the peace of the country where though the prices which we had at the easiest rates of the kingdom have been and do yet continue to be at a greater height with us than any of the neighbouring burghs, and besides the decay of our trade in those things that were the native product of this place we do extremely suffer by reason of the prohibition of carrying to France our salmon which are a considerable part of the common good and stock of the burgh. All which calamities we have patiently endured without complaining, hoping daily that the effects of the peace would appear and put an end to all the miseries we have groaned under, and that the hopes and encouragements we look for from his Majesty's generous promises, acts of Parliament, and letters patent for carrying on the trade of the nation would compensate for our sufferings. And yet under all these hardships forces are kept on foot and a considerable part of them quartered on us to our great disadvantage; officers contrary to law taking free quarters rather than paying for themselves and their bearing is generally hard and indiscreet to the Magistrates and beating our burgesses and town sergeants, and some of their sentinels guilty of theft and robbery, and the trade in which we are engaged day by day meets with repeated hindrances and obstructions. Seeing that we have his Majesty's repeated promises for the enlargement of our trade, as also his letters patent, and acts of Parliament establishing the African and Indian company, and his Majesty's letter to the present Parliament, wherein he regrets his kingdom's loss, and is pleased to promote all favour and protection to his subjects in their trade; we are encouraged to entreat that it may please your grace and the estates of Parliament to take the premises into your serious consideration and find out proper and effectual methods for asserting the honour and independence of the kingdom . . . and that trading with France may be discontinued until they take off the prohibition of importing our herring and salmon there: as also to discontinue the export of cloth, that manufacturers at home may be encouraged

and the poor employed: also the import of all English cloth, silk and woollen, and the weaving thereof in the nation: at least until the imposition laid upon our linen cloth in England be taken off. And to relieve our country of so great a number of troops which are so burdensome and uneasy to the people, and resolve on such other methods for securing the peace and support of the government as may be necessary for the welfare of the kingdom.

Considering the circumstances in which the authorities of Perth were placed, this was a wise and most necessary communication. There is no evidence of any result, but nevertheless the petition would have its influence in the subsequent procedure of Parliament. Living as we do in an enlightened and civilised age, we do not appreciate the struggles of our ancestors and what they had to contend against in those troublous times. This petition is well expressed and cannot be misunderstood. And again, the inhabitants of Perth at that period were poor and humble in circumstances, and the persistent quartering of soldiers year after year on a community of industrious people cannot be regarded as anything but an oppressive and intolerable burden and one calling for the attention of Parliament.

The following is a curious illustration of our local government 200 years ago:—

The Commissioners of Justiciary for securing the peace of the Highlands considering that Donald M'Donald and other prisoners in the Tolbooth of Perth were by verdict of the inquest returned guilty of death; the Commissioners have commuted their punishment into perpetual servitude. The Commissioners hereby give and gift Donald M'Donald, as a perpetual servant to John, Earl of Tullibardine recommending his Lordship to provide a collar

of brass, iron, or copper, which by his sentence is to be upon his neck, with this inscription: 'Donald M'Donald found guilty of death for theft, at Perth, 5th December, 1701, and gifted as a perpetual servant to John, Earl of Tullibardine.' The Commissioners have ordained the magistrates of Perth and keeper of the Tolbooth to deliver M'Donald to the Earl of Tullibardine having the said collar and inscription conform to the sentence of doom.

Another illustration of local government of a very different kind was this: It was ordained by the Council that carts whose wheels were shod with iron were to be prohibited from coming into the town, as prejudicing the causeway and diggings, under a penalty of 40s.

In 1706 the union of the Parliaments in the reign of Queen Anne occupied great attention at Town Council meetings, so much so that no less than two petitions were sent from Perth to London against the Union. These petitions are interesting reading, and represent in clear and unequivocal language the feeling that existed on that great national question. The first petition from the Magistrates and inhabitants was as follows:—

That the Magistrates, Town Council, and inhabitants of Perth having seen and considered the articles of union now before Parliament, in which, among other things, it is agreed by the Commissioners of both kingdoms that Scotland and England shall be united into one kingdom and that the United Kingdom be represented by one and the same Parliament; we after mature deliberation are fully convinced that such a union as is proposed is contrary to the honour, interest and fundamental laws and conditions of this kingdom and to the Claim of Right and to the 3rd Act of Her Majesty's

Parliament of 1703; and inconsistent with the birth-right of the peers, rights and privileges of the Barons and Burgesses, and may greatly endanger our Church government and bring insupportable debts and obligations on the subjects of this kingdom.

*Second Petition.*

The Address of the Magistrates and Council of Perth for themselves and in name of the whole other burgesses and inhabitants thereof.

*Humbly Showeth*,—That we having seriously thought upon the important concern of the union of the two kingdoms as contained in the articles now published, we think it our duty humbly to offer our thoughts: This albeit we sincerely affect peace and a good understanding with our neighbours of England. Yet the concluding of a Union as proposed and moulded in these articles is prejudicial to the true interest of this kingdom tending to the destruction of our venerable constitution, independence, sovereignty, and all its rights and privileges, to every person and society within the same especially that of the Burghs: and to shake loose the government of the church as by law established and endanger our religion. For the defence of which this place has on all occasions signalised itself: and to put trade, the great interest of the burgh, under the heaviest burdens, taxes, and impositions without any Parliament to hear and help us, except that of the British one whose interest as we may perceive will never dispose them to favour our prosperity where they can pretend but an imaginary loss by our gain,

Therefore we humbly and earnestly supplicate and confidently expect that your Grace and the Estates of Parliament will not conclude such an incorporating Union so destructive and dangerous to the nation in all its liberties, sacred and civil: but that for the satisfaction of Her Majesty's subjects ye will be pleased so to settle the state and condition of this nation that our religion, the

government of the church as now by law established, the sovereignty and independence of the kingdom, the rights and being of our Parliaments, due regulation of trade with encouraging cases of the duties upon it may all be so firmly established and secured that it may be put beyond danger of subversion or trouble in time to come.

(Here follow signatures.)

In 1708 the first Parliament after the Union met at Westminster. Joseph Austen, Provost of Perth, was elected Member for this district of burghs. He was appointed to go to the other four burghs and receive their commands. Two of the bailies were instructed to attend him there. It is not recorded how long Provost Austen represented the burghs in Parliament, but in 1712 Provost Yeaman, of Perth, M.P. for the burghs, applied to Parliament to have barracks erected at Perth for the relief of the inhabitants (evidently the quartering of the soldiers on the people had become intolerable). The next momentous event in the history of Perth was the Rebellion of 1715, which we have recorded in the next chapter.

The civil and military authorities in 1718 came into collision with respect to the trial and punishment of a soldier, and the Magistrates, who were not prepared to have their authority overruled by the military, referred the matter to the Lord Justice Clerk, in a letter dated 15th October, 1718, as follows :

Though we do not incline to trouble your Lordship with ordinary matters, yet we must ask leave to lay before you the enclosed precognition

concerning the death of one of the inhabitants. The accident troubles us the more that the soldier who killed the man has made his escape, which would have been prevented had he been delivered over to the Magistrates. But the friends of the man, understanding that when upon other occasions the Magistrates endeavoured to bring the soldier to be tried by them for crimes and misdemeanours were so opposed by the military that they made no application to the Magistrates in the case, but to an officer of the regiment, and what was done thereupon, and what was done next day after the commission of the deed, is set down in the pre-cognition, and unknown to the Magistrates. On the Sunday after, the Magistrates being informed of the dangerous condition in which the man was, called his friends and inquired concerning the matter.

Next day they informed the colonel of the regiment and desired him to commit the soldier, and keep him safely till the matter should be tried. Accordingly he was apprehended and put into the guard, and witnesses called. Brigadier Preston informed the Magistrates that he would not allow officers or soldiers to be tried and punished by them except for murder, burglary, or theft. Evidently the Magistrates were obliged to accept the inevitable, as there is no entry showing the result of this appeal.



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PERTH FROM THE SOUTH





## CHAPTER XX.

The Rebellion of 1715 as affecting Perth—Seizure of Perth by the Jacobites—Provost Austen and the Magistrates run away—Appointment of Jacobite Magistrates—Ten Citizens put in the Tolbooth and bailed out by Provost Austen—The Battle of Sheriffmuir—The Chevalier at Fingask and Scone—Great Meeting of Jacobites: Speeches by the Chevalier and Mar—Excited reply by a Highland Officer—Flight of the Chevalier and Mar—The Chevalier's letter of explanation to Oliphant of Gask—Jacobite prosecution of the New Magistrates—Prosecution of Provost Davidson and the Jacobite Magistrates—The Jacobites sentenced to be banished—They debate their case before the Lords of Session—Answers to the debate by the Magistrates—Summary of the Rebellion.

THE Ancient Capital of Scotland and the Jacobite Rebellion of 1715 were very closely allied: in short, Perth and Perthshire may be said to have been the seat of the movement, which culminated in the battle of Sheriffmuir. It is fair to the Jacobites to say that they were inefficiently officered, were in reality destitute of capable officers, and came to grief from two outstanding causes—the hopeless weakness of the Chevalier, and the incapability of the Earl of Mar, who never should have been in the responsible position which he held.

On the death of Queen Anne, George I. was proclaimed King, and Parliament offered a premium for the capture of the Pretender (the Chevalier de St. George, eldest son of James VII.). The possession of

Perth was regarded as of great importance, not only from its central situation, but because it was the Ancient Capital. Public opinion was much divided between George and the Chevalier. The Magistrates and Council declared for King George, took up arms, and made an appeal for support. It is said 400 men came from Atholl, 400 militia from Fife, 250 men from Lord Strathmore, and 4,000 from Lord Huntly, while the Earl Marischal sent 80 horse. These were commanded by the Earl of Argyll. The Earl of Mar, who commanded the Jacobites, would appear to have marched from Braemar to Perth, via Dunkeld, and to have proclaimed the Chevalier along the route, specially at Moulinarn, near Pitlochry, where he was joined by 500 men under the Marquis of Tullibardine. Colonel John Hay of Cromlix, brother of Lord Kinnoull, and a strong Jacobite, commanded a detachment of 200 horse. He arrived at Perth on 16th September, entered the town without opposition, and proclaimed the Chevalier at the Mercat Cross as the lawful King of the Realm. For his courageous conduct he was appointed governor of Perth, *pro tempore*, with instructions to defend the town to the last extremity, and to expel those who refused to take the oath of allegiance to the Chevalier. Colonel Hay was met by a flat refusal on the part of the Magistrates to have anything to do with the interests of the Chevalier, and they at once fled. With the promptitude of a military officer Colonel Hay took advice, and on 21st September, five days after his arrival, he issued the following proclamation:—

We, Colonel John Hay of Cromlix, Governor of the town of Perth, having warrant and commission from John, Earl of Mar, Commander-in-Chief of his Majesty's forces in Scotland. Forasmuch as the Provost and Magistrates of Perth have refused and declined to act in their office of Magistrates and partly deserted the town: therefore and to the effect that his Majesty's service may not be retarded, nor the burgh of Perth left destitute of Magistrates; I by these presents nominate and appoint Patrick Davidson, late provost of Perth; Patrick Hay, lawful son to the deceased Patrick Hay, late provost there; James Smythe, chirurgion apothecary in Perth, and Nathaniel Fyfe and Mark Wood, merchants there, as commissioners to supply the place of Magistrates in Perth and overseers and managers of the common good thereof, until Magistrates and other officers be duly and regularly chosen. With full power to the same commissioners to act and do everything relating to his Majesty's interest and the common good of the burgh as fully and freely in all respects as any provost and magistrates of the same ever could do, or that I may do myself; hereby requiring and commanding the whole burgesses and inhabitants to give all due respect, deference and obedience to the said commissioners, their orders and commands; certifying those who do the contrary that they shall be proceeded against as disobedient to his Majesty's authority. Given under my hand and seal at Perth the 21st day of September, 1715.

JOHN HAY.

The same day Colonel Hay, who was badly in want of horses, wrote to Colonel Oliphant:—

By virtue of a commission from John, Earl of Mar, commander of his Majesty's forces in Scotland, these are ordering and empowering you forthwith to repair to the House of Rossie Oliphant in the Ochils and there seize what horses and arms, etc., you should find fit for his Majesty's service, and bring them to Perth to be employed that way. And this shall be your warrant.

Mar on his journey to Perth received great additions to his followers, and by this means had a force of 5,000 when he arrived at Perth on 22nd September. On the same day the Honourable James Murray, son of Lord Stormont, arrived at Perth with letters from the Chevalier to the Earl of Mar assuring him of support and of the Chevalier's presence immediately. An incident occurred in the midst of these movements. The Earl of Sutherland, who opposed the Jacobites, had a vessel from Leith with arms and ammunition from Edinburgh Castle lying at Burntisland. Mar, hearing of that, at once despatched his *aide de camp* from Perth with 400 horse and 400 foot, each trooper having a foot soldier mounted behind him. These men entered Burntisland at midnight unperceived, seized the vessel, also a smaller one, and removed their cargoes to Perth. This was of importance to Mar, as it increased his complete stand of arms to 420; but he was in great straits for money, and he issued orders for the collection of the land tax or cess, a tax which was rated on landward property at 20s. sterling per £100 Scots of rent. This money was meanwhile to be borrowed from the burgesses for the use of the army, pledging the public credit for repayment with interest. The official order on the burgh signed by Mar ran thus:—

Our sovereign Lord James VIII. having been pleased to entrust me with the direction of his affairs, and the command of his forces in Scotland, and it being absolutely necessary to raise money for their support and maintenance: these are therefore in his name requiring and commanding you the Lord Provost, bailies, and Town Council of Perth to raise by levying six months cess extending to the

sum of £250 4s. 6d., sterling money to be provided in the usual manner, and paid in to James Freeman collector, appointed for that end, on Thursday next the 6th day of October betwixt the hours of 10 and 12 in the forenoon, with certification that if you fail therein you will be quartered upon and poynded; and I ordain these presents to be published at the mercat cross of Perth that none may pretend ignorance. Given at the camp at Perth the 4th day of October, 1715.

It is evident that the inhabitants of Perth in 1715 had to face great hardships, the quartering of the soldiers, the siege of the town, the want of provisions, and now this arbitrary ordinance requiring a large sum of money to be paid down within a week. Lord Mar was better at raising money than marshalling soldiers in the battlefield. It seems a curious thing that the author of this ordinance manifested such indecision at Sheriffmuir as to lose a victory which could have been so easily achieved.

Colonel Hay apprehended and imprisoned the leading Royalists immediately after his arrival. These men were doubtless acting under the influence of Provost Austen, who ran away accompanied by the bailies. In proof of this, Provost Austen became security for them; and Colonel Hay, who allowed them out on bail, required Austen to first sign the following Bond of Caution, dated 30th September, 1715. This was essential under the circumstances.

Forasmuch as James Austen, merchant, late bailie in Perth, James Austen, merchant there, his son, John Lindsay, merchant, and John Nimmo, maltman, Archibald Brough, writer, James M'Michael, Robert Melville, and David Taylor, merchant, Henry Brown, glover, and Patrick Smith, flesher, were all on Tuesday last till 20th September incarcerated within the Tolbooth of Perth by order of Colonel John Hay

of Cromlix, governor of Perth; and seeing that at my request Colonel Hay was pleased to release the fore-said persons furth of the Tolbooth upon my granting to him the securely underwritten:—Therefore I hereby bind and oblige me as cautioner to the said Colonel John Hay, that the above named persons shall hereafter carry and behave themselves peaceably and discreetly, and not remove themselves furth of this burgh without leave asked and given, and that they and each of them shall return again to prison when desired under a penalty of £10 sterling to be paid by me for each of them in case of failure. The above named persons hereby bind and oblige themselves to free and relieve William Austen of his, as above written, and of all cost and damage he may sustain thereby in time coming, and for the better security we are content, and consent that these presents be registered in the books of council and session.

WILLIAM AUSTEN.

Provost Austen died 4th August, 1723, and is said to have been greatly respected. He was a promoter of trade, especially of the linen manufacture. His father, Thomas Austen, came from England with Cromwell and settled at Perth. After the Restoration his energy and enterprise greatly developed the trade and navigation of the port of Perth.

Both belligerents had the command of a printing press, and for a little each leader endeavoured to counteract the proclamation of the other, assuring the people that his master was the only genuine King and any other was an impostor. The chief occupation of the army was in levying taxes and raising recruits. Mar, who had arranged to form a junction with his own followers south of the Forth, left Perth in charge of General Balfour, broke up his camp and proceeded to Auchterarder. Evidently Captain Hay accompanied him. On the 3rd October, just after

the burgh election, it was resolved by the Jacobites who had command of the town to raise eighty men, to be divided into two companies.<sup>1</sup> The Provost was to command the one and the Dean of Guild the other, and in the meantime to serve on Lord Drummond's company. The men were to be raised by the Guildry and by the Trades, eight men to be selected from each, and those soliciting to be entitled to their freedom. The official order for this was given by the Magistrates at a meeting on 10th October, when the Council resolved that these men be levied for serving his Majesty in two companies, exclusive of sergeants, corporals, and drums. The two companies, whenever occasion offered, to join any battalion that should come to the army from the Royal burghs in Scotland, and in case they be incorporated in any other quarter they would join the Royal burghs and take the precedency. The Provost having declared that he was most willing to go with the army, it was agreed that he command the first company, and by a plurality of votes it was agreed that the Dean of Guild command the second. It was resolved that 20s. sterling be paid to those who accepted the burghs-ship, and 40s. to those who are already burgesses.

Shortly after this a request was made to the Earl of Mar by the Jacobite Magistrates :

From the duty and affection we owe to his Majesty and our zeal for his service, we have levied two companies of foot, as will appear by the returns to be laid before your Lordship. Which two companies have subsisted upon the proper charge of

<sup>1</sup> In the Parliament of 1603, the town mustered 1400 armed men fully equipped (Chronicles of Perth).



the town these four weeks. And now the expense being too heavy for the burgh, we beg your Lordship to give directions for their being put upon the establishment for pay with the rest of the army.

The Magistrates were quite justified in making this request, as at that period the common good of the burgh was very small and practically unable to meet the demand upon it.

On the 7th November, the Committee of Intelligence of the army issued an order ordaining Alexander Robertson to give a bond to the Magistrates to depart from the town between this and Thursday following, to reside at Dundee under a penalty of £150 sterling, and to remain there until further orders from the Magistrates. George Faichney was also required to give a bond in terms of Bailie Reoch's instructions. Alexander Robertson was Provost of Perth in 1704 and 1705. Evidently he and Faichney were Royalists who caused trouble.

It was not until Sunday, 13th of November, that both parties drew up their lines on Sheriffmuir. Mar's forces advanced in four columns, while Argyle advanced in two columns flanked by dragoons. A height intervened between the antagonist forces, and both met almost unexpectedly on the ridge of the hill, being at some points within pistol shot before they knew of each other's presence. In forming line of battle so hastily, confusion arose on both sides. The Highlanders forced their way in every direction, dispersing the extreme wing of Argyle's troops with great slaughter. Argyle, with his right wing consisting of six squadrons of horse and five battalions of foot, attacked Mar's left wing, dislodged them from their

position, and pressed them back to the river Allan. Frequently during their flight did they attempt to rally, but were as often borne down by the weight of the English cavalry. It was in one of these charges that the young Earl of Strathmore was slain while attempting to rally his regiment. The Earl of Panmure was wounded and taken prisoner, but was rescued by his brother, Henry Maule.

Argyll pursued Mar's vanquished wing for three miles, and captured their baggage. Argyll had the greatest number of prisoners, but suffered a greater loss in killed than the Jacobites, although to the latter the battle on the whole was unfavourable. Great numbers of the Highlanders left the field without leave, no less than 4,000 being amissing the evening of the battle. A large number of Perthshire lairds were engaged in this unfortunate affair. Mar led his troops back to Perth, where they arrived next morning. The peculiar nature of the ground at Sheriffmuir explains one source of confusion, viz., the two armies being unable to see each other until they had almost met hand to hand. It is said that 800 of the Jacobites fell and 600 of the Royalists. Mar had 10,000 men against Argyll's 4,000, and had he been a capable general he would have scored a victory, although it is said his men were inferior to those on the other side. Argyll was reinforced shortly after by 6,000 Dutch troops. On 22nd December Mar and the Earl Marischal with an escort of thirty went to meet the Chevalier on his arrival at Peterhead from Dunkirk. They were late, and found him at Fetteresso at the Earl Marischal's residence. Early in January, after visiting Aberdeen, he proceeded on his journey, and in due course made his public entry

into Dundee with an escort of 300 horse. On his way to Perth he visited Castle Huntly, then went to Sir David Murray Threipland's of Fingask, where he dined and spent the night (7th January, 1716). This must have been a joyful day for that distinguished Jacobite family. Great preparations had been made to receive the royal guest with all due honour.

When the King cam' to Fingask  
To see Sir David and his lady,  
A cod's head weel made wi' sauce  
Took a hunner pund to mak' it ready.<sup>1</sup>

On Sunday he arrived at Scone Palace, and the following day made his public entry into Perth, when an address was presented to him by the Jacobites who held the town. He returned to Scone in the evening, when he endeavoured to form a Privy Council. It is recorded that from Scone he issued six proclamations—one for a general thanksgiving for his safe arrival; one requesting the ministers to pray for him in the churches; one establishing the currency of foreign coin; one ordering a meeting of the Convention of Estates; one ordering all fencible men from sixteen to twenty to join his standard; and another fixing 23rd January for his coronation. These proclamations were of little avail, as the Jacobites began to see that their prospects were becoming discouraging. It is also recorded that when the Chevalier came to Perth he began to inquire as to the state of the army, and when he had done so, he felt much disappointed, and thought himself betrayed. He wished to see the little kings and their armies, as he called the Clans.

<sup>1</sup> Threiplands of Fingask (Robert Chambers).

When he found who they were, he was disagreeably surprised. Those who came with him told the Earl of Mar that they were all betrayed. "They were made to believe that the whole Kingdom was in arms and on their side, or that they were masters of the greater part of it, that they wanted no men, only money, arms, and officers, that the English troops were embarrassed, and that Argyll was not to come from Stirling. Whereas, in truth, they were in no manner of position."

The rumour immediately arose that the Chevalier would be obliged to quit the enterprise with dishonour. His words were few; his behaviour and temper always composed. When at Scone he did not seem anxious to be crowned. He never appeared with cheerfulness and vigour to animate his followers. An officer wrote to the press at the time that the Chevalier was mortified to find that his supporters were inferior to those of the Royalists, but he had the bad grace to manifest his own state of feeling in presence of the military, and this disheartened them. This writer goes on to say, "Some of our men ruffled the great men in the open streets of Perth by calling them cowards, and told them they betrayed the Chevalier in place of advising him." One man threatened them if they offered to decline fighting. "Why, what would you have us to do?" said he. "Do?" said the Highlander, "what did you call us to take arms for; was it to run away? What did the Chevalier come here for; was it to see his people butchered by hangmen, and not strike a blow for their lives? Let us die like men, and not like dogs!" "What can we do?" says the other. "Let us have a council of war," says the soldier, and let all the

officers speak their minds freely, the Chevalier being present, and if he agrees not to fight, we must submit." An edict was issued for the destruction, by fire, of Auchterarder and villages in that district, and between Stirling and Perth, so that they might give no quarter to Argyll's army. This edict was carried into effect by the Jacobites.

Things began to be very disorderly and tumultuous according to this same writer, and "we knew not what it might have ended in if some more discreet than the rest had not interposed, who satisfied the soldiery by telling them there would be a great council in the evening, that the Chevalier desired that all who were his friends would acquiesce in such measures as should be resolved on; that if it was advisable to put it to the test, the Chevalier would take his fate with his faithful friends. If it was otherwise advised he should do as they should direct." Accordingly a council was held on the 29th January at which there was a great deal of debate, and the meeting was continued on the following night, when the fatal resolution of giving up their cause was taken on the same unhappy day that the grandfather of the Chevalier was beheaded at the gate of his palace in London. At this meeting the Chevalier spoke briefly, stating that they were met to consider the present situation of affairs, and to resolve what was to be done; he had ordered everything to be laid before them, and desired that every man would truly express his mind. The Earl of Mar then addressed the meeting in a speech that was greatly wanting in military courage and destitute of anything that could inspire the Highlanders to go forth and fight the opposition. He concluded :—

It was now to be considered whether they were in a condition to maintain themselves in their present situation, and if so the army might be disposed in such manner as it might act with the greatest vigour and most to their advantage; and if not that, the retreat might be appointed in such manner as the enemy might be least able to annoy them, and that they might prevent the hurry and discredit that such things are usually attended with, and that the Chevalier might be secure and the troops kept together so as not to be insulted or obliged to halt by the enemy's horse, and so compel a general battle whether they thought fit or not, in which case they would be obliged to fight at a disadvantage, and the enemy obtain a cheaper victory than if they were obliged to attack them where they now were.

On the conclusion of this speech a Highland officer said:—

I am ashamed to repeat what I hear in the streets, and what the town is full of, viz., that we are met here to resolve to run away like cowards from an enemy whom we have once already seen in the field like men. I am persuaded there is not a man amongst the troops I have the honour to command, but would rather fight and be killed than turn back and escape. I beseech your lordship to consider whether we shall retreat. If we flee to the coast, have we ships to carry us out to sea; if we turn to the hills, can we subsist? How much less terrible is death in the field than in a ditch, and how much rather had all our people die sword in hand than starve in the mountains? I am of opinion as our few cannon may be placed, and as some of our men may be posted, we may not only defend the town, but post the rest of our forces so that they should not be able to attack the one or the other without the greatest disadvantage and the probability of being ruined. If they cannot attack us sword in hand, we know very well they cannot lie before the place; the severity of the weather will make it insufferable, and they will not pretend to it. I do not therefore see the least reason for retreating.

Other speeches followed, and the debate was again adjourned till next day, when Mar opened the proceedings by informing his audience that it was not a question of the ability of the soldiers, but one to consider the situation of their affairs in general, and that there were many reasons which made it inconvenient to make public all the circumstances of their affairs, and those especially which made it necessary to retreat. It was evident they were come to a crisis in which it was advisable not only to retreat, but to put an end to the design for a time ; this not to be communicated to the army lest it should too much discourage the troops. This speech greatly surprised the audience, who were much disappointed. It was reported to the Chevalier that some of the chief of those who had appeared in arms in his support had entered into a conspiracy to go over to the opposition, and also to seize the person of the Chevalier and deliver him to Argyll. The result of this disloyalty and of Mar's speeches was that the Chevalier's forces broke up that very day, and the same night 800 men returned to their homes in the Atholl country.<sup>1</sup>

Argyll with his 6,000 Dutch troops left Stirling for Perth with the object of taking it and annihilating the Chevalier's supporters. The news of his approach was received with dismay, and he promptly resolved to escape for his life. He went from Scone to Perth the night before, and passed the night with Hay the Provost who was a Jacobite. Next morning the Jacobite forces left Perth for Dundee, the Chevalier, accompanied by Mar, going to Montrose ; and getting a boat there, specially provided for them, they escaped to Flanders,

<sup>1</sup> Spottiswoode Miscellany.

leaving the troops to shift for themselves. The troops speedily dispersed, and when General Gordon, who commanded in Mar's absence, reached Aberdeen he had only a small contingent left, and these dispersed. Meantime, Argyll had arrived at Auchterarder, which he found had been burned by the Jacobites. He then proceeded to Perth and found it evacuated, and he took possession. Next day he went to Dundee in pursuit of the rebels, and the following day reached Arbroath, but finding they had dispersed he gave up the chase; and so this rebellion ignominiously terminated. It must be admitted that the result of it was a great disappointment to the Jacobites, but no other result was possible in the circumstances. It was a poor wretched affair from beginning to end. Mar, so long as he had no opposition, did well enough, as his journey from Braemar to Perth shows; but he was sadly wanting in military skill, and in those great qualities which make a good commander.

Four days after Sheriffmuir the Earl of Mar in a letter to Oliphant of Gask said:

We have got about 1,200 of their arms and 200 prisoners. We hear they have a good many officers; and I am sure all their foot except two regiments that scarcely had a shot fired at them are soundly mauled. Our loss is very inconsiderable. . . . I am sure none of their prisoners with us can complain of their treatment, but I hear it is otherwise with most of our people they have, which will oblige us to alter our way with theirs. Lord Panmure was wounded after he was taken prisoner, and Lord Hay told him their could be no parole taken from a rebel. Poor Lord Strathmore was killed when he was prisoner and begging quarter, which is something horrid. We hear Lord Hay is ill wounded, and some of our



people who were prisoners and got off tell that they saw and spoke with Argyll, and that he was disguised in a black wig and big blue coat. I hope your friends who are prisoners fare well and also those elsewhere.

MAR.

In a letter two days later from an officer in King George's army, the writer says :—

This is the most grievous letter I have ever had occasion to write, and I should wish it might be the last, for we have never seen such a sight as has come to Stirling this day. Our army was in Dunblane all last night and to-day. About twelve o'clock on the 13th there was a most bloody engagement, which continued an hour and a half about one and a half miles above Dunblane. The enemy did such action that the like was never heard of. Mar's army came in a whole body in the front of our army and fought the most part of all our Foot, whole regiments as they were advancing to battle. The Scots Greys did go most valiantly and go through all the enemy's several times with the Duke at their head, which did all the damage the enemy sustained. All the wounded came into town, some wanting arms, and some legs, and bloody heads—the most dismal sight ever I saw. I cannot express what crying was in this place, very many officers wounded, soldiers wanting their arms and clothes, officers the same. General Wightman was killed, and what was left of his regiment were obliged to throw down their arms. General Evans was killed: Lord Forfar and most of his regiment, and a great number of Scots Greys were killed. In short, I cannot mention all, but by a most certain account we have lost five regiments. There is about 1,000 of other men killed, also the Earl Marischal. We have got no prisoners in as yet but one gentleman of £1,000 a year. Lords Haddington and Lauderdale are missing; horse and servants came home, but neither of them. The d——d treacherous rascals had no compassion on the very women who were there, but killed them down like dogs.

The Chevalier, on his departure from Scotland, wrote Laurence Oliphant of Gask a long letter explaining his policy, in which he said :—

The dismal prospects I found on my arrival did not discourage me. . . . Since that time, affairs have grown daily worse. Many friends were slow of declaring, and the defeat at Preston and securing many noblemen deprived us of all succour from the South, and the vast inequality betwixt us and the enemy made our retreat from Perth unavoidable. To have stood would only have served to sacrifice you all without any possibility of success ; but however necessary the retreat was, it put our affairs in a most desperate condition. I could not behold the extremity we were reduced to without the utmost grief and concern, less on my account than yours. Your safety and welfare were, I may say with truth, my only view, and towards the providing for that, all my thoughts were bent, and I resolved not to let your zeal carry you so far as to result in your ruin. I considered there was no hope of retrieving our affairs, therefore the whole business was to secure your lives. I looked on my remaining among you not only as useless but as destructive to you, and therefore my stay would only have served to involve you in greater difficulty. . . . Nothing less than positive command could prevail on the Earl of Mar to accompany me on this occasion. Though his desire was to remain with you and share your misfortunes, his probity and experience made his presence absolutely necessary with me, obliging me to leave you, but with the view not only of your own welfare, but of obtaining such help as might effectually relieve you, full of hopes that the justice of the cause which has been so gloriously supported by you will not for ever be abandoned by Providence, who has hitherto never abandoned me. To my last moment I shall retain that sense of gratitude, affection, and fatherly tenderness toward you which you so justly deserve from me, for I can say with truth that your misfortunes are more heavy upon me than my own, and that I desire happiness only to make you share with me in it.

At the close of the Rebellion, those citizens of Perth having the town's arms in their custody delivered them up, in obedience to an order from the Magistrates; and it is noteworthy that in May, 1724, the Council appointed the treasurer to repair the roof of the Council House, and sell these arms in order to defray the charge for repairs. An inventory of the roup has been preserved, containing large and small arms and brass guns, pikes, old swords, flints, legar chests, saddles, tents, beds and bedding, clothes, timber, and a box with old papers—the whole amounting to the value of £274 7s. Scots.

The Jacobites being defeated, it was the duty of the Royalists to take steps to punish those citizens who had taken part with the rebels. Shortly after the battle we find the Magistrates had already begun these prosecutions.

James Walker was accused of disposing of his master's horse and the clock bag entrusted to him at the battle of Sheriffmuir, Sunday 13th current: Acknowledges he received a horse that day from his master and a clock bag of the Laird of Methven in which he was informed there was money. Declares he fell from the horse at the part where the army drew up that morning and the horse ran off. He carried the clock a part of the way on his shoulder till some Highlanders took it from him. He seized a horse and crossed the Allan above the bridge of Kinbuck and held straight to Drummond Castle. He found his way to the boat of Kinclaven by twilight. He then crossed the Tay and came to his father's house at Scone.

A few weeks afterwards, or early in 1716, the next man to be tried was Joseph Taylor, blacksmith in Perth, who was Deacon of the Trades, and sat in

council with the rebel Magistrates during the Rebellion, and was captain of a company of rebels and went with them to Sheriffmuir. He was committed to prison on the 27th March without any information being given against him. The suspension of the Act for preventing wrongous imprisonment was not then determined, but the special offence charged against him was that on the 16th September he not only rose in arms himself but instigated and stirred up several of the members of the Incorporations, and was very active with those of the rebels who surprised and took the town and maltreated the Magistrates: and thereafter took it upon him to be a member of the Jacobite Town Council who usurped the management of the town. That Council appointed him captain of the company that was made up in the town to serve in the Rebellion, and he exacted from the treasurer pay for his regiment and gave discharge therefor. With that company he marched to the battle of Sheriffmuir on 13th November, and afterwards continued in arms with the rebels until they dispersed, when he was apprehended and brought before the Magistrates at Perth, who committed him to prison. His punishment is not recorded.

Some stirring events succeeded the fall of the Chevalier and the collapse of the Jacobites. Provost Austen, who ran away on the arrival of the Jacobite forces, was replaced in the provostship in April, 1716. In September following (Michaelmas) he lost the provostship, very probably for political reasons, and Robert Robertson, jr., was appointed, with an entirely new set of Magistrates.

We now come to the closing chapter of this

unfortunate Rebellion—the position of the Jacobite citizens who took an active part in it and the treatment they experienced from the law officers of the Crown. The most prominent citizen dealt with was Patrick Davidson, who on four occasions was elected Provost of Perth—1698-99, 1702-3, but who retired from office in 1704. When the Magistrates fled in 1715, Colonel Hay elected a fresh lot, who were for the time called commissioners until the Rebellion was over. The head of these was Provost Davidson, but from some unexplained cause Provost Hay was the acting Magistrate for the period.

On the 2nd September, 1716, Austen wrote the Lord Justice Clerk in the following terms:—

MY LORD,—This day I received yours of the 27th. John M'Leish, William Hutton, and Charles Elder are to come over in charge of a guard. George Threipland and four others had each of them given me a bond of caution to present themselves to your Lordship at your lodgings in Edinburgh on Monday next under a penalty of £100 sterling each. John M'Niven is out of town; John Whyte is sick, for whom I shall either send over a doctor's certificate or himself. I have taken up also Patrick Wilson, who, I think, can bear as good evidence as any of them, for having been in the place during the Rebellion till the Pretender came to Scone, where Wilson served as master of the household while the Pretender was there. He hath also found bail for £100 to wait on your Lordship on Monday. Our Magistrates and the honest people of Perth are ready on all occasions to lay themselves out for the service of the Government, and heartily wish prosperity to your Lordship and family as doth, my Lord, your humble servant, WILLIAM AUSTEN.

The Magistrates on 10th September issued the following summons against Davidson and others:—

For suppressing tumults it is ordained that no one presume to make any convocation or assembly, put on armour or weapons without the sovereign's or magistrates' license under pain of death. The burgesses undertake to be true and loyal to the King. But true it is that the persons afterwards named:—Patrick Davidson, etc. (about 100 names) having shaken off the fear of God, regard for his Majesty's laws and constitution of the burgh, their duty and obedience to the magistrates and the sacred tie and obligation of their oath, did rebel within the said burgh and against the community thereof; usurped the authority of the King's officers, made tumults, conventions and assemblies within the burgh, assumed weapons, refused to assist and concur with the magistrates for settling of tumults; and convened and assembled themselves together without license of his Majesty—a violation of the Acts of Parliament and laws of the burgh; in so far as on 16th September 1715 they assembled themselves in arms in the burgh of Perth and received a great number of armed men into the town and with them invaded the magistrates and other burgesses who were guarding the town against danger. After they had disarmed and put several indignities on the magistrates, thrust them from their office, and made and detained them prisoners during their pleasure; set up in the town their own form of government by appointing a governor and manager which they chose out of their own number. Afterwards they made up a Council and elected a set of magistrates and other officers and exercised that usurped power for the space of four months. The premises being proven, the aforementioned persons have forfaulted, demitted, and have lost their burgess-ship and freedom in the burgh and all right, interest, and benefit belonging thereto. The defenders ought to be severely punished in their persons and goods and expelled and banished from Perth, and ordained never again to reside therein under a penalty of £ . In his Majesty's name and authority we charge the whole defenders above named to appear before us in the burgh court to be held within the Tolbooth of Perth on 11th

September instant in order to see the charges verified and proven, and being proven to hear themselves discerned and proceeded against by decret of Court according to law.

PERTH, 11th September, 1716.—The offenders, the rebels, appeared before the Provost and Magistrates for trial. After evidence was led, the court found that they—Patrick Hay and others—called a pretended Council meeting which was sufficiently proven. In that Council Patrick Hay was chosen pretended Provost, Mark Wood, Dean of Guild, Nathaniel Fyffe, James Smith, John Young, and James Sweller, bailies, John Gourlay, treasurer, and thirteen councillors, whose names are given. These persons accepted the office of magistrates and councillors respectively, and sat and voted in these pretended councils. The court found it proven that these persons were aiding and abetting, art and part, with the rebels. That such of them as were burgesses had broken their burghess oath, and the condition on which they were admitted to the freedom and privilege of the burgh. Therefore the said burgesses had forfeited and lost their burghess-ship and all right, interest, and benefit in the burgh. The court discharged Patrick Hay and others, or any of those who had fled out of the town, from ever again returning thereto or residing therein under the penalty after mentioned. The whole other persons against whom the libel is proven to remove furth of the burgh of Perth betwixt and the term of Martinmas next in this present year, and never to return or reside therein after the said term: Each person under a penalty of 200 pounds Scots money. The court ordained publication to be made at the Mercat Cross of Perth that none pretend ignorance, and ordained the burghess ticket of each of the said burgesses to be torn at the Mercat Cross of Perth this day.

WILLIAM AUSTEN, Provost  
W. FERGUSSON, Bailie  
THOMAS SCOTT, "  
FRANCIS COLVILLE,  
PATRICK READ.

In another summons by the Procurator-Fiscal against Davidson and others, dated 14th September, 1716, it is stated that the complainer had obtained decret affirmed by the Lords of Council and Session. It was declared that Davidson, for the reason stated in the decret, had lost his burgess-ship and freedom of the burgh, and was discharged from residing there under a penalty of £200 Scots. On the 19th April, 1717, the complainer obtained another decret, the Magistrates finding that he had disregarded the sentence of 14th September, and had thereby incurred a penalty of £200 Scots. The Lords ordained him to make payment to complainer. Davidson, it was stated, continued to reside in Perth, and openly frequented the streets and public places.

It is a curious fact that the matter seems to have dropped at this stage, for we hear no more about it until 1718, when on 21st January of that year information was lodged by the Magistrates of Perth and the Procurator-Fiscal against James Smith and others, late burgesses. These in September, 1715, entered, it is stated, into an unlawful combination to rise in arms against the Magistrates of the burgh, not only to turn them out of office by force and violence, but to seize and imprison them and deliver up the town to a body of armed men with whom these burgesses were in correspondence, who, as afterwards appeared, were to declare for the Chevalier and to maintain the town for his service.

When the Rebellion was fully suppressed, and the town restored to a peaceable state, the Magistrates judged it proper for preserving peace and preventing the control of the town from falling into the hands of the rebels, that those burgesses who had broken



their allegiance should be deprived of their freedom as burgesses, and discharged from the town, that it might be out of their power in time coming to weaken the hands of the Magistrates, or set up others in their place, which they had no reason to doubt they would attempt to do on the first opportunity. After proof the Magistrates gave sentence depriving them of their freedom as burgesses, ordering their burgess tickets to be destroyed, and discharging them from the burgh for all time. The defenders immediately applied for suspension and reduction of the sentence.

The advocate for the town, in pleading the case at great length before the Lords, concluded :—

Upon the whole the sentence appears both to be formal, just, and necessary for securing the peace of the burgh, and for preventing the Magistrates and those who are well affected to His Majesty's government from being trodden upon by disloyalty. It is a kind of insult to the Government for these suspenders, who don't deny they were aware of the facts, to pretend that they will have the sentence reversed ; nor can it be reversed without giving great encouragement to the enemies of the King. Therefore it is hoped your Lordships will find the letters in order and sustain the decret, and when the suspenders give reason to believe their disposition changed, and that they have an inclination to behave themselves peaceably within the burgh, and as becomes them, then the Magistrates will not be refractory, with consent of the community, to give of new the privilege of burgess-ship to such as may deserve it. But until such a disposition appear, it is not just that they should be replaced, nor consistent with the interests of society.

ROBERT DUNDAS.

The case of the defenders came again before the Lords of Session on the 9th February following (1718),

in the shape of a petition by several inhabitants (Jacobites), addressed to their Lordships. It went on to say:—

That the Magistrates decerned by forfaiting us of our burgess-ship and freedom, and expelled and banished us from the town, ordaining us not to return or reside there under a penalty of £200. The proceedings of the Magistrates have been very extraordinary. There were no less than ninety persons who, by this decret, have undergone the common doom of forfeiting burgess-ship and banishment from the burgh, and the greatest part of these are of the race of the best burgesses and heads of families, so that, upon a reasonable computation, there are at least 400 or 500 persons whom it will touch in its consequences, whereby the burgh will be much depopulated, and unquestionably must be hurtful to the remaining burgesses, as well as to the Magistrates themselves; for there can be no greater cause of poverty and want in any place than the decrease of inhabitants. It may be thought strange that there should be a necessity for us to insist on a reduction of the decret after His Majesty's act of indemnity, who pardoned the greatest offences committed against his person and Government, that these injuries already done by subjects to others should be pushed to an extremity, and even contrary to the interest of those who prosecute their own living. His Majesty's example was worthy of imitation, and since the Magistrates have disregarded the King as a pattern, it is hoped your Lordships will the more exactly enquire into the validity of their decret and form of procedure. In the present case it is plain that the Magistrates were prosecuting a humorous and groundless revenge against us, to which we must add that the crimes charged were of a serious nature and the penalties extensive. By the custom which has so long prevailed, causes of so great importance have always been tried before the Supreme Court of Justiciary, where no person has reason to doubt of obtaining justice. It is with respect submitted that where such crimes are charged

involving forfeiture of burghship and banishment from the burgh, supposing the Magistrates competent judges, they ought to have proceeded in a legal manner by a precognition of burgesses and inhabitants of the place. If the action of the rebels were not purely criminal, there is no other that deserves that name.

Another set of rebels<sup>1</sup> came before the Lords of Session with the following petition, dated 24th February, 1718, in name of James Smith and others against the Magistrates. This petition stated:—

That in the suspension and reduction at our instance of a decreet by the Magistrates depriving us of our burghship and banishing us from the town, your Lordships appointed divers hearings on the point whether probation on a criminal libel could be led in absence and your Lordships found for the Magistrates.

The case for the rebels was exhaustively debated before the Lords by Duncan Forbes of Culloden, advocate, Edinburgh, and he concluded his learned speech in the following words:—

Our adversaries have been at some pains to improve our late misfortunes against us, but since the King has been graciously pleased to publish his act of free grace, we consider ourselves as covered thereby from all the insults of our fellow subjects and entitled to the rights and privileges of free lieges. It is one of the fundamental laws of the kingdom that subjects accused of crimes cannot have proof brought against them in absence. Wherefore we conclude that by your Lordship's justice in applying the laws, the sanctuary of the distressed and the common security of a free people, we ought to be relieved from the illegal arbitrary sentence pronounced against us by the Magistrates of Perth.

<sup>1</sup> Jacobites.

In the case of the proposed suspension and reduction of Provost Davidson's sentence, the Magistrates lodged the following answers:—

The case of Davidson and his accomplices is well known. That they were the first who broke out in open rebellion against his Majesty in 1715: that they brought unparalleled hardships upon their own lawful Magistrates at that time and during the course of the Rebellion: that the Magistrates found it a necessary part of their duty to put the public laws and statutes of the burgh in execution against them, declaring that they had forfeited their burghship and discharging them from returning to the burgh—the peace whereof they had disturbed in a remarkable manner—under the penalty of £200 Scots. The Magistrates gave orders to summon Davidson in April, 1718, and having convicted him of a contravention of their sentence by the depositions of famous witnesses, they decerned him to pay the Fiscal the penalty of £200. They delayed charging him to make payment till now, when they are threatened with an invasion and a new rebellion, and have good reason to believe that Davidson and his accomplices will, at this juncture, use their utmost efforts to delude the inhabitants to act the same game over again unless they are prevented. The Magistrates humbly believe your lordships will not be ready to grant a suspension, as the consequences may be so dangerous to the peace of the burgh. The suspender thinks the Magistrates were not competent judges because he did not reside within their jurisdiction at the time of the citation in April, 1718. The decret bears that he was cited at his dwelling-house in Perth, and there is proof that he contravened the sentence of the Magistrates. He had, and still has, his dwelling-house in the burgh.

The next men to be attacked for their opposition to King George were certain of the clergy—the Episcopal clergy. They were carefully watched,

and those who did not pray for King George were subjected to prosecution. Thomas Murray, Episcopal preacher at Baledgarno, in manifest contempt of the decret and sentence pronounced against him by the Sheriff of Perth fining him in £20 sterling for performing divine service without praying for King George and the Royal Family, and in open defiance of the laws of the Realm, continued to exercise the ministerial function without praying for his Majesty, He was also charged with celebrating the Sacrament in his church at Baledgarno, preaching on the Friday before and on the Sunday preceding to a considerable body of disaffected people, known and avowed enemies of the Government, without praying for his Majesty; also on 4th February he married at Newtyle, Henry Crawford, younger of Monorgan, clandestinely without proclamation of banns, to the daughter of James Paton, late minister of Kettins, Crawford being under scandal and contumacious to the discipline of the Church. It does not appear what was the result of this prosecution.

In this Rebellion the Magistrates of Perth played a conspicuous part: one set ran away and another set replaced them. After it was all over the Jacobite Magistrates or some of them had to pay the penalty, and Provost Davidson in particular was subjected to unreasonable persecution. For some time after the war, these summonses of rebels were abundant, and both town and county must have been in a lively condition. The battle of Sheriffmuir practically finished the Rebellion, but there was no reason whatever why it should have done so. Mar remained in Perth for some time quiescent, and on 22nd December he, in company with the Earl Marischal,

went north, as already stated, to meet the Chevalier on his arrival in Scotland. Early in January he reached Perth, and the most remarkable thing that occurred during his brief stay was the convention of Jacobites which assembled on 29th January, and the business, which was of serious moment, seems to have been spread over three nights. This meeting (reported in the Spottiswoode Miscellany) discussed the situation, and evidently the debate became animated. The Highlanders also expressed their opinion in strong language, denounced Mar's management of the Rebellion, and entirely disapproved of his policy. That nobleman made an unsatisfactory defence, and showed in the most unmistakable manner his weakness as the commander-in-chief. This attitude of Mar, and specially his timid and ridiculous observations, had a depressing effect on the Chevalier, and induced him to sist procedure. Had he been a courageous man, he would have backed up the Highlanders, put Mar aside, and taken the command of the troops himself. There was a large following of Jacobite troops full of enthusiasm in his cause, and a courageous and judicious commander would have led them to victory. But the Chevalier failed to rise to the occasion and foolishly threw in his lot with Mar. It is seldom we see such weakness in the championship of a great cause. The Chevalier's wavering character is pretty well illustrated in his letter to Colonel Oliphant. On the other hand Argyll was an able commander, and his Dutch contingent appears to have overwhelmed Mar and the Chevalier, and to have practically settled the Rebellion.

The Stuart cause was lost not because it was

vanquished, but because it was for the moment annihilated in the house of its friends. The Stuart Kings were not absolutely a noble race of men. The first four Jameses did their part creditably, but the second four and the Charleses, discredibly. There was something ludicrous in the Chevalier going out to Scone, issuing six proclamations, and then escaping for his life before the ink was quite dry. It was well he escaped, as if he had become King he would have brought the country into trouble. He and Mar, occupying as they did so high a position, were bound to set the people an example, and they ought to have stood their ground and taken the consequences. Had they died, sword in hand, their memory would have been cherished, and the Jacobite cause would have achieved a distinguished place in the annals of history.

As far as the town of Perth is concerned, this Rebellion had one redeeming feature: there was no bloodshed. It was a time of keen and violent political excitement, when all classes of the people, including the law officers of the Crown, ranged themselves on one or other of the two sides. When the time arrived for prosecuting the vanquished, it is noticeable that there were eminent counsel in Edinburgh on both sides to defend their clients before the Lords. No more eminent lawyers could be found in that or any subsequent age than Duncan Forbes of Culloden and Robert Dundas.

The anarchy which reigned in the Ancient Capital was almost beyond the power of the law to put down, and the only explanation of the foolish and utterly inadequate administration of the town after Sheriffmuir is evidently the fanaticism and excitement of

the time. No generous sentiments were manifested by the victors, and the prosecutions and persecution which followed are discreditable in a very high degree to the Magistrates and Council who resumed office after all was over.

#### APPOINTMENT OF THE JUSTICIARY COURT.

A curious entry on this subject appears on the record, the peculiar circumstances of the time having doubtless led up to the King's resolution. It would appear that the criminal courts were insufficient for administering justice. The King appointed a Court of Justiciary to be held in Perth, and ordained certain of his qualified officials to preside. This Court was to grant remission to those unable to undergo punishment, but the King having been informed that the people of the Highlands, through the long troubles during the Rebellion of the clan Gregor and others, could not well abide the King's laws—no criminal Justice Court having been held here for twenty-nine years—he had resolved to pardon them for past offences, so that they might find caution to satisfy those offended and abstain from such offences in future. Those who would not accept this offer were declared fugitives and rebels, and at the mercy of those who might apprehend them or bring them to justice. Those landlords were to be punished as reseters of thieves, and put to assize conform to the laws of the realm. The King enjoined rebels to appear for discharge, otherwise their corn and goods would be confiscated and sold. The lieges were certified that the King appointed his Court of Justiciary to be held within the Tolbooth of Perth on the — day



of February next, with continuation of days as a second court, for persons arrested for this present court who have not compeered. These courts have continued down to the present time.

In 1719 an application was made to the Magistrates on behalf of the Duke of Atholl for the loan of the town's hangman for Logierait. Provost Austen received the following letter, dated Huntingtower, 18th October, 1719, from the Duke's steward:—  
“Since I was with you I have had a letter from the Duke of Atholl desiring me to write you to allow the hangman of your town to go to Logierait and execute two thieves condemned, and lying prisoners there, and that you will deliver him to Alexander Mitchell, his Grace's Chamberlain, who will bail him and send some men to guard him up the country. I doubt not but your lordship will comply with this.”

Provost Austen was evidently a personality in his day. He was re-elected Provost in 1718, 1719, and 1722. We would have thought that seven years having elapsed since the Rebellion, feeling about it would have died down. Not so, however, for in 1722 he and the Town Council sent King George an effusive address in the following terms:—

We, your Majesty's most dutiful, most loyal subjects, the Magistrates, Town Council, and chief inhabitants of the burgh of Perth, beg leave humbly to congratulate your Majesty upon the happy discovery of the wicked and hellish conspiracy against your person and government in favour of a Popish Pretender: wherein we adore the goodness of God for His watchful care over your Majesty and your dominions.

This place having been the seat of the late unnatural rebellion, none of your Majesty's subjects

can have a more lively sense of the direful effects of such traitorous insurrections, and of the wisdom of the measures formerly taken by your Majesty, and the happy success of your arms in suppressing them. We cannot but declare our detestation and abhorrence of the treasonable and perfidious practice of such as are restless in plotting the subversion of your government and the ruining of the Protestant religion, our civil liberties, and everything that is valuable to us, notwithstanding the great clemency and equity of your Majesty's Administration, and after God, in His wonderful providence, has several times remarkably baffled their best concerted designs. We take this occasion of repeating our firm resolution faithfully to adhere to your Majesty as our only lawful and rightful sovereign in opposition to the Pretender and all his adherents, and to stand up in the defence of your government to the utmost of our power, being fully convinced that under God, the maintenance of our valuable privileges, both sacred and civil, and particularly the interest of our present Church Establishment, depend upon the preservation of your Majesty's person, and the succession to the Crown in your Royal Family.

That your Majesty may be long continued for a rich blessing to all your subjects, for the safety of the Protestant interest, both at home and abroad: that you may be preserved from all the attempts of your treacherous and malicious enemies: that the succession may be continued to your august family to latest posterity, and that, after a long and prosperous reign upon earth, you may inherit an eternal crown hereafter in Heaven is and shall be the prayer of (here follow the signatures of the Provost and Magistrates and others).

The matter of a public library for the town, to be got up jointly by the Town Council and the Presbytery of Perth, was this year the subject of much discussion. Proposals were drawn up by a joint committee and approved, 27th March, 1723. It was provided by the scheme:—

That the town and the Presbytery of Perth shall have an equal share in the management of the library, and that on the part of the town, the Provost, Bailies, Dean of Guild, and Convener of the Trades for the time, shall be directors; and that the Presbytery make choice of the same number to represent them, and the convener shall be chosen out of the directors for the town, and those for the Presbytery.

The town and the Presbytery shall each contribute liberally for promoting the scheme, either by giving books, or money for buying them, and they shall assist in obtaining the help of others in advancing this work, and shall keep a record of the library in which the names of the benefactors shall be entered, together with what has been advanced by them, either of money or books.

No Director shall be entitled to borrow a book but such as pay at least five shillings to be applied for the purchase of books, excepting always probationers and students in divinity and philosophy.

All lenders shall pay for each book in folio that they borrow, five shillings Scots, and for every lesser book one shilling money foresaid, to be applied to the use of the Library, and this to continue until such time as the directors shall find a salary to the Keeper.

Those who borrow a book, living in the burgh, shall return it within six weeks, and those in the country shall return the book within eight weeks, and if anyone in town keep the book for more than six weeks, he shall be charged six shillings Scots for a book in folio, and four shillings for all lesser volumes. And such like with respect to those living in the country who shall keep books beyond eight weeks shall pay as aforesaid, and if any shall keep a book three months they shall pay for each book of the sizes mentioned double of what they pay for the space of six and eight weeks. None shall keep a book above a quarter of a year at farthest. And if any book shall be visibly damaged, the borrower shall be obliged to repair the same as the directors shall appoint.

The directors shall be accountable to their constituents, and shall have no power to make any other regulations without their advice. Every

member of presbytery may have recourse to the presbytery for redress of any grievance. Citizens only shall be directors.

From some reason not recorded this very laudable scheme appears to have fallen through. It is of considerable interest to us to know that so general a desire for books was prevalent in the burgh so far back as 1723. These rules, considering the circumstances of the time, are liberal, and show a very scholarly grasp of the subject by the promoters.

Passing on to the year 1729, we come to a remarkable event in the history of the Perth Town Council. This was the great Monastery litigation case which, after passing through the Civil and Ecclesiastical Courts of Scotland, was carried to the House of Lords. It was an action of Reduction and Declarator brought by the Presbytery of Perth as representing the ministers, the Kirk Session, and masters of the Hospital, against the Magistrates and Town Council, to oblige them to produce the titles by which they possessed the lands of the Blackfriars and Charterhouse, and for having the said titles declared null and void, and to have the Presbytery's rights to those lands established. The Magistrates and Council were also to account for the rents of those lands and feus during the preceding forty years, the period they had held them. The case was very protracted, extending over some years, and the official papers and print were voluminous. The Magistrates vigorously defended themselves, and by their legal proceedings involved the town in heavy expenses. The House of Lords decerned against the town and in favour of the clergy and the Hospital; a decision that was of a serious nature on account of

the large sum of money (£2,000) the town became liable for, and which they were decreed to pay over. Neither before nor since has the town been involved in such a protracted and expensive litigation.

Laurence Oliphant of Gask was in arms for King James VIII. in 1715, and his father being alive his estate was preserved. When Prince Charles Edward landed in 1745, Oliphant and his only son joined him at Perth. Oliphant was made lieutenant-colonel of the Perthshire Horse, and his son was made captain in the same regiment, and aide-de-camp to the Prince. When the Prince marched into England, Oliphant was appointed Governor of Perth. He raised money and paid for three months the recruits, who daily arrived and eventually numbered 2,500 Highlanders, and who joined the Prince before the battle of Falkirk. After Culloden (April 16, 1746) Oliphant and his son escaped to the mountains, where they hid themselves for fully six months, and then were enabled to get on board a ship which conveyed them to Sweden.

My enemies search for my den,  
Like wolves keen to destroy;  
Rebuke, O Lord, these wicked men,  
And save Thy poor John Roy.

—*John Roy Stewart's Hymn.*

## CHAPTER XXI.

Rebellion of 1715—The Earl of Mar and Colonel John Hay, Governor of Perth—The Official Correspondence—Barony of Craigie, Family of Ross—Barony of Inchbrakie, Family of Græme.

### THE REBELLION OF 1715—LORD MAR'S CORRESPONDENCE.

THE correspondence which took place between the Earl of Mar and Colonel John Hay of Cromlix, Jacobite Governor of Perth in 1715, has never before been published. The letters from the Governor to the Earl of Mar have evidently not been preserved. Much interest attaches to the following letters, as the Rebellion was one of the greatest events that has occurred in the history of Perth. A new light is thrown upon it by these letters, which place Lord Mar in a better position than he gets credit for by some historians.

#### *Earl of Mar to the Gentlemen of Perthshire.*

Our rightful and natural King, James VIII., by the grace of God (who is now coming to relieve us from all our oppression), has been pleased to entrust me with the direction of his affairs, and the command of his forces in this his ancient kingdom of Scotland. And some of his faithful subjects and servants met at Aboyne, viz., Lords Huntly and Tullibardine, the Earl Marischal, Earl Southesk, Glengarry from the Clans, Earl of Breadalbane and gentlemen from Argyllshire, Patrick Lyon of

Auchterhouse, the Laird of Auldbar, Lieutenant-General George Hamilton, Major-General Gordon, and myself. Having taken into consideration his Majesty's last and late orders to us, and as this is the time he ordered us to appear openly in arms for him, so it seems to us absolutely necessary for His Majesty's service and the relief of our native country from all its hardships that all his faithful and loving subjects and lovers of their country should, with all possible speed, put themselves into arms. These are therefore, in his Majesty's name, and by the King's special order to us thereanent, to require and empower you to raise what men you can, both gentlemen and others, with their best arms, and to be ready to march to attend the King's standard upon the first intimation, which you may very soon expect. You are also hereby empowered to secure what arms and ammunition are in the hands of suspected persons.

The King intends that his forces shall be paid from the time of their setting out. He expects, as he positively orders, that they behave themselves civilly, and commit no plundering nor other disorders, under the highest penalties and his displeasure, which it is expected you will see observed. The King makes no doubt of your zeal for his service, especially at this juncture, where his cause is so deeply concerned, and the relieving of our native country from oppression and a foreign yoke too heavy for us and our posterity to bear, and when now is the time to endeavour the restoring not only of our rightful and native King, but also our country, to its ancient, free, and independent constitution under him whose ancestors have reigned over us for so many generations. In so honourable, good, and just a cause we cannot doubt of the assistance, direction, and blessing of Almighty God, who has so often rescued the Royal Family of Stuart and our country from sinking under oppression. Your punctual observance of all these orders is expected, for the doing of all which this shall be to you and all you employ in the execution of them a sufficient warrant. Given at Braemar the 7th September, 1715.

MAR.

*John, Earl of Mar, or Commander-in-Chief of his Majesty's Forces in Scotland, to Colonel John Hay of Cromlix:—*

The town of Perth being in the hands and possession of the King's friends is of great importance to his Majesty's service. These are therefore requiring and empowering you, as soon as you shall think it a fit and proper time, to secure and take possession of the town of Perth for his Majesty's use, and to secure what arms, ammunition, and all other sorts of stores that are there. You are also to secure what moneys are in the hands of the collectors of the cess, customs, and excise there, and to appoint such collectors for the uplifting of these revenues for the time coming as you shall think most for the King's service. You are also authorised to order a free election of the Magistrates of Perth and to do what you think further necessary for his Majesty's service. These are likewise empowering you to call for the assistance of such gentlemen and others you think fit in the execution of the said service. For doing of all which this shall be to you and all you employ in the execution hereof a sufficient warrant. Given at Braemar the 12th day of September, 1715.

MAR.

*John, Earl of Mar, to Colonel John Hay.*

We, reposing special trust and confidence in your loyalty, courage, and good conduct, and being well satisfied of your zeal for his Majesty's service, do hereby constitute and appoint you to be Governor of the town of Perth, which is now in his Majesty's possession. You are therefore carefully and diligently to discharge this great and important trust, and to take the said town under your care and government. And we hereby require the town and garrison to obey you as their governor. And you are to observe and follow all such orders, directions, and commands as you shall from time to time receive from his Majesty or from us, according to the rules and discipline of war. Given under our hand and seal at the camp at Moulin this 18th day of September, 1715.

MAR.



*Lord Mar's secretary to Colonel John Hay.*

I have the Earl of Mar's orders to acknowledge receipt of yours of the 18th. His Lordship does not apprehend that the Duke of Argyll will make any motion far from Stirling; however, it being of great consequence to his Majesty's service that the town of Perth continue in his Majesty's possession, in case you should be attacked, you are to defend it as long as you possibly can; and upon the very first intelligence of the approach of the enemy you are to acquaint the Earl of Mar thereof by express so as his Lordship may come to your assistance as soon as possible. Now that your garrison is considerably reinforced and will be so more and more, the Earl of Mar desires that (how soon you find yourself in a condition to do so) you call together all the people of the town and tender to them the oath of allegiance to our Sovereign Lord, King James VIII., and that they disclaim all subjection to, or dependence on, any other prince or power; and such as shall refuse to comply with this you are to expel from the town, and immediately thereafter order a free election of the Magistrates by poll. His Lordship likewise desires that you summon all the country about you to bring in forage and provisions and give your receipt for such quantities as you shall receive for the use of the garrison, and his lordship will give his obligation for it in the King's name and his own. You are to endeavour to get what quantities of meal you can, giving your receipt for it and the meal and victuals which the laird of Powrie is to send to Perth; for all which and for that which was sent out of Lord Kinnoull's granary the Earl of Mar will give his obligation. As soon as there come more horses into the town of Perth than you have occasion for, you are desired to send them to the camp. You are to stop and break open all letters going to or coming from any place whatever, and to send such of them as may be of any use to the Earl of Mar; and you are to displace the present postmaster of Perth and appoint another in his room. After informing yourself carefully if there be any enemy in the way, you are (if you find it safe) to send a party of horse

to the House of Tullibardine and there to seize what horses, arms, ammunition and provisions can be found and bring them to the town of Perth for his Majesty's service.—I am, etc.,  
JOHN PATERSON.

Camp at Moulin, *September 19, 1715.*

*The Earl of Mar to Colonel John Hay.*

LOGIERAIT, 20th *September, Midnight.*

Everybody almost having disappointed me in coming here with their Foot the time I appointed, makes it impossible for me yet to march down to the low country, much less take the advice that is given by that letter enclosed in your last. I foresaw this opportunity, and gave the orders accordingly; but what can I help people's wisdom which has made them not observe them? It is not my fault, nor can the world impute it to me when they come afterwards to know my situation. However, they are now coming, and this week we shall be a very considerable army, and much superior to what they can bring against us. And about that time I hope the clans will be marching through Argyllshire towards Glasgow, which will make the west country militia as little sure to the army at Stirling as I hope some of their troops are. These regiments they give out as coming to them cannot be with them so soon as they say; and those from Holland, when they come, will not hurt us much. Perhaps we have as much reason to wish them coming as they. I doubt much their venturing a detachment to the Highlands to intercept the west country people. Had people obeyed orders I should have been glad of them going there, for we should have had a good account of them. You may depend upon it we are not idle, and shall be in readiness upon the first notice. Any one you send to me with intelligence give them strict orders to disclose no news till first they have spoken to me and received my orders. Adieu.

*The Earl of Mar to Colonel John Hay.*

LOGIERAIT, 20th *September, Midnight.*

Received both yours this morning, the one of yesterday by Lord Charles Murray and that of this

morning at three o'clock, by Mr. Graeme. As for Argyll's design of capitulating, I believe there is nothing in it, and there has no such message come to me, nor do I believe there will. Perhaps he might have had some such instructions when he came from London, but now that they know we are actually in arms and our manifesto published, they will think, I believe, that anything of that kind comes too late. If any such message come to me it shall be made no secret. But it is impossible now for us to have any such thoughts, and he's an ill man that would. I can answer for one, and I hope for a great many more. What can they offer us in lieu of all that's dear to mankind, which I take to be the case with us? I hope ere long we shall have another kind of message from Argyll and his forces to ask terms for themselves. That you may tell to all the world with my name to it. You may be sure of our coming to you when it is time.—I am, etc.,

MAR.

*The Earl of Mar to Colonel John Hay.*

MOULIN, 22nd September.

I had yours of the 21st this morning at seven. I am very glad to find you in so good condition and heart; with what I sent you yesterday you will be better. The Earl of Southesk and Lord Ogilvie will be with you to-day and probably the Earl of Panmure. I move to-day to Logierait, leaving this quarter to Sir Donald M'Donald, M'Intosh, and M'Leod. Lord Huntly is certainly on his march, as also is the Earl Marischal. We must wait a day or two in this country to form unless you were pressed at Perth, of which I think you are now in little danger. Have sent you enclosed two blank commissions to fill up as you think fit. Unless Major Balfour ask it, I am afraid it must not be offered him in case of his not taking it well, and his zeal for the service would make him think it ill to refuse it, so it would be a difficulty upon him. This I leave to your own discretion. The town mayor should be an officer, but perhaps you have none of those with you that would care for being it, and if you think Smith will do—well and good. You must take care to please

the elector of Struan, as they call him. He is an old colonel, but as he says himself, he understands not much of the trade, so he will be ready to be advised by Colonels Balfour and Urquhart, and any others who are with you. I gave him repeated orders to have a strict eye over his men, especially with regard to the townspeople and the folks of Muirton, with whom his people had formerly some quarrel, and he promised punctually to obey it. Be sure that you keep well with him yourself. You pressed so much for a reinforcement that I was forced to send his men, having none else fit to send save my own battalion, which I could not part with. When we come down to you we shall have great occasion for provisions, therefore pray take all the care you can to have them provided. Let bread be baked at Perth and Dundee as fast as they can, and I hope you have got meal in plenty. I sent you word yesterday that Charles Kinnaird had told me that their whole half year's meal was in their girnals, so I hope that will be a good supply which we may certainly have. Endeavour to provide spades, shovels, and pickaxes. I cannot understand what makes Lord Drummond want you at Perth and Stobhall. I thought he had gone west from Logierait. As for money, I am not so rife as I hope to be ere long, but I have sent you some of the little I have—40 guineas by the bearer. I wish you would send me up a supply of wine, which will not be lost though we march down from here soon, so pray send it soon. Argyll apprehends desertion, which makes him keep his people so strict. I doubt not of our having spies among us. I know I have one which I am resolved to keep. We had news last night by one from Edinburgh that Lord North is up in England with 3,000 horse. Pray have the best intelligence you can from Stirling, and let me have often accounts from you. The Duke of Atholl has been giving all the intelligence he can to the enemy. We have sent parties to all passes to stop such doings and intercept letters. I have written to Breadalbane also to do so, and you should do so to all within your reach. I do not believe Argyll will yet think himself in a condition to march north from Stirling, but if he should I shall march

down by Dunkeld, keeping the river between us till I join you at Perth. This I tell you in case the Horse, who would be of little use in the town, should think of joining me and so know the best way of meeting us.—I am, etc.,

MAR.

*The Earl of Mar to Colonel John Hay.*

LOGIERAIT, 24th September, 1715.

I had one of yours yesterday at Taymouth and the other when I came back here. Lord Huntly's men were last night at Glenshee and Lord Seaforth's just behind him, so I expect them here to-night or to-morrow morning. Lord Drummond's men are in Strathbraan, and Lord Breadalbane's are to be near Dunkeld on Monday. I could not move from this to-day for several reasons, and to-morrow morning I intend to march to Dunkeld and very soon to be with you, till which time I hope you are in no danger, and if it should be otherwise you know already what to do. I am mighty glad you have a prospect of getting plenty of provisions, for our numbers will require them. I have intelligence just now of one coming to me from the King with very good news, so I hope he will be with me soon. I have one just now from Alloa—all is quiet at Stirling, and that party you had intelligence of went to look after Kilsyth and Sir Hugh, but they were too nimble for them; got safe here two nights ago. They missed taking Colquhoun very narrowly, which was a pity. I had a letter last night from Glengarry. He and the clans are on their march to Argyllshire. They have taken all the outposts from Inverlochy, and made those in them prisoners without a drop of blood spilt. You would miss the horse at Tullibardine, being sent some days ago to Stirling. I wish you may have got some arms there and at Huntingtower, but the noise of these two parties would do us more good than I am afraid anything they would find in those places. I wish you may have got ammunition for some of us as well as those with you. I wish you could send us some drums, and we long for trumpets.—I am, etc.,

MAR.

*The Earl of Mar to Colonel John Hay.*

LOGIERAIT, 25th September, 1715.

I had both yours last night. I was speaking to the two gentlemen who came up of the Horse at Perth forming themselves into corps and receiving officers, which is absolutely necessary, but I believe it can hardly be done till we be joined, which I hope will be very soon; however, you had best speak of it to the Lords and gentlemen with you, that they may consider it and be more easily and quickly done when we meet. Lord James Murray has got into Blair, and I suppose has Lindsay with him; we had all the passes hereabout guarded, but he went by Finlarig and through the hills. Lord Tullibardine went last night late (and is just returned) to within a quarter of a mile of Blair, with the object of speaking to Lord James, to whom he had a letter from me, but he was locked up, so he was forced to leave the letter, which I hope will be delivered, and I hope it will have good effect. Lord Tullibardine had an escort of twenty horses, and he brought off all the Atholl men who have all along stayed with him, which is what is wanted. Lord Panmure is to be with you to-night. When he comes, the Angus Lords and gentlemen may consult together. Until we get money to pay the whole army the whole forces ought to be on one footing, for if part get money and part not it will cause grumbling and desertion, and there is not yet money to pay all, though I hope there will be soon. Until that time the infantry must get most of their pay in provisions and when so they have no reason to complain. It is what we do here, and I wish those may also do so who are with you. I had this morning a messenger from Aberdeen with an account of our friends there. They have dismissed the Magistrates and seized everything of use for the service; specially that they had got a considerable quantity of ammunition and some arms, which will be brought to Perth with all speed. They are to appoint new Magistrates on Wednesday next. We are this day to march nearer you, either to Dunkeld or that far on the other side of the river,

so do not believe that the enemy will offer to make any attempts upon Perth, but if they do perhaps not the worse for us.—I am, etc., MAR.

*Earl of Mar to Colonel John Hay.*

LOGIERAIT, *Monday, 8 a.m., 26th September.*

I was kept here yesterday to adjust some things concerning this country, before we leave it, with the Atholl men who have been all this time with the Duke, that Lord Tullibardine brought to us yesterday morning; but I just now began my march to Dunkeld and thereabouts, so we shall soon be with you, and upon the least motion of the enemy towards you, which I don't apprehend, I'll march immediately to join you. Mr. Drummond, who passed me, was sent express to me by the King our master. He left Paris ten days ago, and has escaped a good many hazards on his way through England. He came over with Lord Stairs' express that brought the Government the bamboozling news of the Duke of Orleans. There was no venturing my new commission by him the way he came, but he saw it, and there are several powers in it beside the command, such as choosing a counsellor, and it is sent by sea and on the way now, so I expect it every minute. The plan the King arranged to follow is now altered by the advice of English friends. The King, with the Duke of Berwick, is to come directly to Scotland, and I believe they are now at sea, for they were to set out when Drummond came away without loss of time. The Duke of Ormond and Lord Bolingbroke have come to England. The King's friends there were so pressing for their coming that they desired they might wait for nothing, not even arms and ammunition; as things were so ripe it only wanted their presence to do the work. As Drummond came from London, the King's friends there were all going to their respective estates to have things ready, and a great many of them were actually gone. Particularly Sir William Wyndham was in Staffordshire, and by this time was to be in arms with the men of that county and Lancashire. I have orders not to wait

the King's coming, but to go on and march southwards as soon as I am in condition. God forgive those people who have delayed me all this time to wait for them ; but now I hope they will quickly be with me. I have messages, too, by Drummond from friends in London, and they tell me that the rumour there and over England grows higher for the King and against the Government every day. They expect a great deal from us, and that we should begin the work which I think we have almost done, but we must do more than begin it. You wrote to me of a place hard by Perth fit for encamping the whole army. You will consider it exactly, and I will send Colonel Urquhart to-morrow to view it. My compliments to the noblemen and gentlemen with you, and communicate this good and agreeable news to them. I send them by Mr. Drummond himself.—  
I am, etc.,  
MAR.

*J. L. to Colonel Hay.**Sunday Night.*

The . . . is to see me past before he leaves this place, and the sooner you can get away on your side the better. You will let Lord Mar know that Lord Bolingbroke sent me word of Captain Yorke's message, and that I am accordingly going on the coast he directs but a shorter way than round the north of Scotland. Haste and despatch is the point now. I shall do my best on my side, and am sure you will do the same on yours. I heartily wish you a good journey.—Adieu.

*J. L. to Colonel Hay.**Thursday Night.*

Our landlord brought me yours of the 27th. I approve of your taking Forrester along with you. Carrying you safe is the best service he can do me. I heartily wish you may arrive safe at your journey's end and meet with no obstacle on the way, but as secrecy is on what all depends as to my project, and that the measures I have taken as to that are very secure, I would not have you by any means confide anything of the plan to Forrester, nor



call for him at Dunkirk; no more than send any message to me there. What accounts you have to send, it is sufficient they be sent to Lord Bolingbroke. The point is to get me into Holland; so nothing must be mentioned that can by any possibility discover my way of going. As for yourself, the more haste you make the better. I shall do the same on my side, and . . . is already passed, so there's no more to be done but for both of us to make the best of our way, and above all never name Dunkirk to anybody but your brother, to whom my kindest compliments. You will do well to keep as private as you can at St. Johnstoun. Be assured of my particular regard and kindness which your success and the risks you run sufficiently deserve.

*Duke of Ormonde to Colonel Hay.*

*December 7, 1715.*

I have had yours by the express that Sir Nicholas Geraldine sent me. The Chevalier is with you by this time. He will inform you of our voyage—I wish it had been with more success. I hear the winds will not let you leave this country as soon as you desire. When you do I wish you a good voyage, and that at your arrival you may find the Earl of Mar as you wish him. Pray do me the favour to assure him that I am most faithfully his friend and humble servant. You will let me hear from you before you go off.—I am sincerely your most humble servant,

ORMONDE.

[At this point the correspondence abruptly terminates.]

**FAMILY OF ROSS—BARONY OF CRAIGIE.**

This ancient family, so much identified with the history of Perth in early times, seems to have passed out of existence. Such of its members as were proprietors of the Barony of Craigie were men of great energy and activity. They were closely associated with the town of Perth from their commanding position as neighbouring proprietors, were

hereditary keepers of the Spey Tower, proprietors of the vicarage teinds of St. John's Church, and of various properties in the town. Though they do not appear to have entered the Town Council, they took an active interest in all that concerned the town. There were good men and bad men amongst them, as will appear from the narrative. One of the most prominent members of the family was a favourite of James V. and his Queen, Mary of Guise, and was for a time an officer of the Royal household. The lands of Craigie, from the reign of Alexander I. and for centuries thereafter, were the property of this family. There is no certain record how or when the family had its beginning—probably at the Norman Conquest—and it was, we are informed, a flourishing family in the reign of Robert Bruce.

There are no Charters in the Register House regarding the Rosses before the sixteenth century, Robertson's "Index of Rolls," which was lost in Cromwell's time, mentions four of the Ross Charters: King Robert Bruce to John de Fortune of the lands of Craigie and West Mailer; David II. to Adam Blaircradock of the lands of Craigie and West Mailer which John de Fortune forfeited; David II. to Godfrey Ross of Cunninghamhead of the Mill of Craigie; Robert III. to Hew Ross of Kinfauns of the Barony of Craigie and West Mailer, with the mill thereof, with "one tailzie." Of these we have the titles only preserved. Hugh Ross received from King Robert Bruce a Charter of the lands of Kinfauns about 1316. He or a son of the same name married Margaret Barclay, and had a Charter of the lands of Craigie and Mailer. Hugh and Margaret had a son named Robert who inherited his

father's lands of Craigie and Mailer and part of Kinfauns, and was apparently succeeded by another Robert, who in 1482 had a son and heir named John Ross, who was afterwards succeeded by his son John. The latter married Matilda Drummond, who died in 1543, and he had a second wife, who was Isobel Liddell, mistress of the Bishop of Moray.

In the reign of David II., 1328-1370, a daughter of Ross married Sir John Drummond of Concraig, predecessor of the Earls of Perth, and Steward of Strathearn. Drummond of Blelock married another daughter, who was mother of John Drummond, first laird of Milnab in Perthshire. James Ross of Cree-town acquired certain lands in Forgandenny from Walter Oliphant in 1539. He married Marjory Stewart, by whom he left a daughter, Janet, who married Patrick Lindsay of Dowhill, near Kinross. This was Squire Lindsay who rode into Perth and warned Queen Mary of her danger when Moray and Morton meant to seize her. Thomas Ross of Maitlands, another of the family, was killed at the battle of Pinkie. John Ross of Craigie was infest in the lands of Hilton near Perth in 1539, and was also killed at Pinkie. He left four sons and three daughters. One of these, James, had a Charter of the lands of Pitheavlis. Thomas Ross of Craigie married Jean Hepburn and left one daughter, Margaret, who married John Seton of Lathrisk. John Ross of Craigie succeeded after the death of Thomas, and married Agnes Hepburn, who had one son, Patrick, who married Beatrix Charteris of Kinfauns. There were also inter-marriages with Murray of Balvaird, Ogilvie of Inchmartine, and other county families. From the

family is descended Patrick Ross of Innernethy, whose great-grandfather, Patrick Ross, Sheriff-clerk of Perthshire, purchased these lands. He was grandson to Alexander Ross, second son to the laird of Craigie. George Ross, advocate, son of Innernethy, married the eldest daughter and co-heir of John Sinclair of Balgregie. It is recorded :—

*At Perth, 3rd November, 1530.*—In name of the King and F. David Anderson, provincial of the Order of Preaching Friars in Scotland, as procurator of the monastery of preaching friars in Perth, on the one side, and John Ross of Craigie, and John Ross, his son, on the other, in the action against them by the King concerning the lands of Craigie and Mailer, and also certain chalders of grain crops claimed by the said provincial from said lands, compromised the matter—and decreed that John Ross and his heirs should give to the King two chalders to be handed to the Friars for charity, and that he should take infetment of said lands anew and pay annually the said two chalders.

The King confirmed the charter of John Ross of Craigie by which he sold to Walter Pipar or Balneaves, burgess of Perth, and Violet Hog, his spouse, twelve acres of land adjacent to the lands of Pitheavlis—in the lordship of Craigie—which John Ross, grandfather of the above John Ross, sold under reversion to James Bryson and Robert Bryson, burgesses of Perth, which reversion was brought back by the said Walter Pipar.

*At Falkland, 13th November, 1541.*—The King conceded to Thomas Ross, son and heir of his familiar servant, John Ross of Craigie, the lands and barony of Craigie, with the mills, lands of Pitheavlis, Malar, Berclayshaugh, Hilton Malar, Kirkton of Balquhidder, etc., lands of Kirkton of Kinfauns, with fishings, manors, and all the lands in the barony of Craigie, which the said John Ross resigned, reserving to him and to Matilda Moncrieff, his wife, a free tenement with one half dues of the village of Craigie and lands of Kirkton of Kinfauns.

The Lyon King-at-arms gave a patent for a coat-of-arms and armorial bearings to John Ross, younger of Balgregie, son of George Ross, descended from the family of Ross of Craigie.<sup>1</sup> The Ross family were governors of the Spytower of Perth until 1544, when the keys, by order of the Regent Arran, were surrendered to Provost Macbreck and the Town Council, under protest by John Ross. Provost Macbreck was married to a Mercer. It cannot be disguised that, however honourably born this family may have been, several members of it figured discreditably in the official books of the time, some of them even suffering death for their crimes. John Ross of Craigie, James and William, his brothers, John Ross, servant to James Ross of Maitlands, along with William, Lord Ruthven, Henry, Lord Methven, and others, upwards of one hundred in all, were charged before the Justiciary on one occasion with besieging and breaking into the House of Dupplin. That was one of those deadly feuds which were so common in Scotland at that period—the sixteenth century. Their antagonist was Laurence, Lord Oliphant. The details we do not possess. In 1541 John Ross of Craigie was Usher of the Chamber to Mary of Guise, consort of James V., and was one of the Council who opposed the meeting of James and his uncle.<sup>2</sup> On January 8, 1543, John Ross of Craigie signed an open document with nine others asking King Henry of England to take possession of the young Queen Mary and her realm. He also signed a secret paper that if she died Henry was to seize her crown.<sup>3</sup> It is evident from this that John Ross of Craigie, who was a confidential member of

<sup>1</sup> Nisbet.    <sup>2</sup> Hamilton Papers.    <sup>3</sup> *Ibid.*

the household of James V., became a traitor after the King's death, and though we have no details, he was evidently found out and imprisoned. Henry VIII. up to the day of his death acted on Ross's suggestion, and made many unsuccessful efforts to capture the royal infant. It was because of these that the child (afterwards Queen Mary) was removed at the age of six years to France. What Ross's object could have been is a mystery, unless he was bribed by the English King, for the Rosses were never very plentiful of money. We get some insight into the mystery by the following entry in the Hamilton Papers. In 1543, John Ross of Craigie, who was in trouble in England, presented a petition to King Henry VIII. :—

Would it please the King's Majesty to write to the Governor that he is advised that there is a certain John Ross of Craigie whose enemies have written letters on him and his friends to underlie the law for certain lairds coming furth of the realm and other crimes, and that his grace desires a letter to the governor that I may have his discharge and pardon to me and my friends as contained in the summons, and to restore us to our lands and goods.

Reply of Henry VIII. to Governor :—

We are advised that John Ross, laird of Craigie, and his friends have sustained great damage since his arrival here<sup>1</sup> as our prisoner, by means of certain persons in Scotland who have pursued divers matters against them which would not have been if he had been there to defend himself. Therefore he and such of his friends who have suffered for him shall be restored to their liberty, lands, and goods, and you shall act for us.

<sup>1</sup> London.

On 25th August, 1543, the Privy Council ordained that certain prisoners (which included Ross of Craigie) should deliver their bond in writing, and stipulate to render themselves prisoners in default of payment (of ransom for release). If they fail, the officials are instructed to cause them to be blown at the horn. The engagement of Solway Moss, which resulted in the death of James V., took place in December, 1542, so that John Ross of Craigie was still a prisoner. It is recorded that in 1543 John Ross signed, at Linlithgow, Cardinal Beton's secret bond, its object being to join together and protect themselves in the event of persecution by the authorities. This same year the brother of John Ross was killed by John Charteris, Chamberlain to the Earl of Angus, and in October of the following year John Ross and John Charteris are specially named as being on the Queen-Dowager's Council.

In 1546 it was ordained by the Lords and Council that William, Lord Ruthven, on the one part shall send for his son the Master of Ruthven, John Ross of Craigie and Thomas Ross, brother to Craigie, and cause them to be in Edinburgh on Monday next. Patrick, Lord Gray, on the other part, was to send for Thomas Charteris of Kinfauns and others to be in Edinburgh the same day, in order to settle several disputes pending at that period. This was an important appointment, and evidently a recognition of Ross's administrative ability. In 1547, at a meeting of the Privy Council at Stirling, it was ordained:—"As to the lands of Craigie and John Charteris, the Commissioners shall cause them either to enter into ward or pass out of this country, and there to remain during the Governor's will between

this and 28th April. If they will not obey the said lords, Lord Ruthven and his friends shall put the laird of Craigie and John Charteris furth of the bounds and take no part with them further. As to the teind fishings of the Kirk of Kinfauns, they shall be administered by John Christison, and John Marshall, burgesses of Perth, until the said 28th April. The Governor shall give to the laird of Craigie and John Charteris remission to that effect that they may enter into ward or pass furth of the realm as they please. The minute is signed by Patrick, Lord Gray, James Charteris of Kinfauns, William, Lord Ruthven, and David, Lord Drummond. In 1552 an Act was passed allowing Thomas Ross of Craigie to pass into France along with a number of Scotsmen named in the official paper in connection with the troubles of the time."<sup>1</sup>

In 1573 a bond of caution was executed by Archibald Ruthven. He obtained permission to raise 1,600 men and go with them to Sweden to assist the King, the men to be sent out in companies of 200 at a time. The cautioners to this bond, who became bound for its due performance, were William, Lord Ruthven, John Ross of Craigie, and William Moncreiffe of Moncreiffe. In 1584 a summons for treason was issued against John Ross of Craigie, brother and heir of the late James Ross of Pitheavlis. The Scottish Parliament gave sentence of treason in terms of the indictment, decerned and declared James Ross, his name, memory, and honours to be extinct, his arms to be deleted from the book of arms, so that his posterity never have place nor be able hereafter to have any

<sup>1</sup> Privy Council Register.



office or dignities within the realm ; his lands to be confiscated to the King. The same day John Ross of Craigie protested that whatever was done to James Ross of Pitheavlis, his brother, should not prejudice him (John Ross) in his lands, reversion, and rights ; and specially anent the lands of Pitheavlis and reversion thereof. In respect that he has ever been the King's true liege and subject, and knew nothing of his brother's doings or proceedings, he therefore asked instruments, etc.<sup>1</sup> This request was granted. In 1585 we find that the King gave John Howieson, a minister of Perth, a charge on the laird of Craigie, John Ross, for £100 Scots, the sum unpaid by Ross for service at the Kirk of Perth.

The lands of St. Magdalene's were so called from an old chapel or hospital that stood upon them called St. Mary Magdalene. The Carthusian friars eventually became the superiors of Craigie, being feudatory possessors, and a small town called Freertown or Friartown, with a farm annexed, was built on the Magdalene land near the river.<sup>2</sup> John Ross of Craigie was in 1586 ordained by the King to deliver the fortalice of Pitheavlis to James, Lord Doune. There was a bond of caution by him to Daniel Pitscottie of Luncarty and others of 500 merks each, that Pitscottie, his tenants and servants, should not be molested by them. In 1587 there was a similar bond of 1,000 merks by John Ross to William Hering of Collie that he would not molest Duncan Campbell of Glenorchy, his tenants or servants ; and another bond in the same year by John Ross to Duncan Robertson, and three other burgesses of Perth in £200 sterling each, that Thomas Alison

<sup>1</sup> Pitcairn Criminal Trials.

<sup>2</sup> Ant. So. Arch.

will not be molested by them. It is evident from these bonds that Ross was anything but a quiet neighbour. It is recorded :—

*Holyroodhouse, 16th May, 1586.*—The King, James VI., confirmed to John Ross of Craigie the charter by which, for the implementing of the contract entered into between Robert Stewart of Braco Wester on the one part, the said John Ross, Agnes Hepburn his wife, and Jean Ross his daughter, on the other, for the solemnizing of matrimony between Robert Stewart and Jean Ross, sold to them the lands of Pitheavlis, with the manor, lands of Loneside, now of Pitheavlis, and quarry of Pitheavlis in the barony of Craigie.

*Holyroodhouse, 5th February, 1591.*—The King disposed to John Ross of Craigie, and Agnes Hepburn his wife, the lands of St. Magdalene's, in the lordship of the Charterhouse of Perth, which formerly were part of the patrimony of the priors of the said Charterhouse.

*Edinburgh, 23rd March, 1594.*—The King conceded, and for good service and for composition paid, to John Ross of Craigie, and Agnes Hepburn his spouse, the lands lying adjacent on the east side of the Longcauseway, St. Leonard's Chapel, the lands<sup>1</sup> on the western side alongside the Causeway, between the bridge of St. Leonard's and the chapel acres of the altar of St. Crispin within the parish church of Perth, the fourth part of the lands of Leonardley, with those of Little Haugh on the east side of the island, close to Craigieburn in the burgh of Perth, and lordship of the Charterhouse, which Patrick Balfour of Pitculloch (Pitcullen) and William Moncrieff of Moncrieff resigned.

*Falkland, 22nd July, 1596.*—The King confirmed the charter made by John Ross of Craigie and Robert Stewart of Pitheavlis, by which they sold to John Murray of Tibbermuir and his heirs the lands of

<sup>1</sup> Tungis and Regis.

Pitheavlis, lands of Loneside, moor and quarry of Pitheavlis, in the barony of Craigie, reserving those parts of Pitheavlis called the Hungryhill and Corsie-hill, also in special warrant of the above named, the lands of Malar and the fishings in the river Earn.

In the State Paper Office <sup>1</sup> there are the following entries, all of them more or less important in making up the narrative of this ancient family :—

*Edinburgh, 20th August, 1482.*—John of Edmondston constitutes and ordains Robert Ross of Craigie, and John Ross, his son and heir, and others as his assignees, for the redemption of the lands of Wallace-toun from William Ruthven, his heirs and assignees, which lands William Ruthven has under his reversions to give up whenever I pay him 300 merks Scots “redaris of gold.”

*Edinburgh, 26th February, 1523.*—The King confirmed John Ross of Craigie in the lands and town of Craigie, in the barony of Craigie-Malar and county of Perth, which the said John Ross resigned.

*Edinburgh, 8th January, 1558.*—The King and Queen confirm a charter by John Ross, son of John Ross of Craigie, which, for a sum of money, he sold to David, Lord Drummond, the lands of Kirkton of Balquhidder, the lands of Tulloch, and others in the barony of Craigie and county of Perth.

*Stirling, 27th March, 1555.*—The Queen confirms a charter by Thomas Ross of Craigie, which for a sum of money he sold to Euphame Wemyss of Dron the lands of Hilton of Mailer.

*Edinburgh, 10th February, 1598.*—The King confirms a charter by John Ross of Craigie, who sold to Robert Ross, his son, the lands and barony of Craigie, with the lands of Wester Mailer and salmon fishings in the River Earn, the fortalice and manor of Wester Mailer, and the lands of Kirkton of Kinfauns.

<sup>1</sup> Register of the Great Seal.

*Edinburgh, 26th January, 1621.*—The King confirms charter to Robert Moncrieff, son of William Moncrieff, of the lands and barony of Craigie—viz., house and lands of Craigie with the house and lands of Nether Mailer, the house and lands of Pitheavlis with quarry, the house and lands of Kirkton of Kinfauns with castles, manors, and fishings, all in the county of Perth, which belonged to John Ross of Craigie and Robert Ross, his son. The King, for the good services of William Moncrieff and his predecessors, incorporates them in the barony of Craigie, and fortalice and manor of Mailer.

*Edinburgh, 26th January, 1615.*—The King, James VI., confirmed (1) the charter of William Ross, burgess of Perth, resident at the Charterhouse gate (by which for the implementing of a marriage contract of 6th May, 1606, he sold to John Ross, his son and heir, his lands and crofts of Drumnistong, Hungriehill, Corsiehill, and Haugh, lying contiguous on the King's highway from Perth to Pitheavlis, and the lands of Tullilum from the said burgh to the common moor of the same); also in special warrant the *solarem binam* part of the Overmains of Mailer—within the barony of Craigie—reserving a free tenement for the said William Ross. (2) The charter by John Ross, son and heir of William Ross, burgess of Perth, formerly dwelling at Charterhouse gate there, by which he sold to Thomas Gaw, notary of Perth, and his heirs, the lands above written.

*Edinburgh, 14th January, 1617.*—The King, James VI., confirmed the charter of Robert Ross of Craigie, by which for the implementing of a certain contract he sold to George Scott, in Kirkton of Kinfauns, and Catherine Moncrieff his wife, for their life and their lawful heirs, the one half dues of the *solarem* lands of Kirkton of Kinfauns, with the mansion, etc.; also to the said George Scott and his heirs, *umbralem dimid.* (the shadow of the same).

John Ross of Craigie was closely identified with the parsonage and vicarage teinds of Perth. In 1591

James VI. and Queen Anne granted a lease of certain teinds to John Ross and Agnes Hepburn his wife for life and to the longest liver of them ; and after their decease for the space of two 19 years' tacks, for the sum of £20 per annum. This was granted in respect that John Ross and his predecessors were old and respected managers or tacksmen of these teinds, and that John Ross and his son had a 19 years' lease from Robert, Comendator of Dunfermline, and for money lent by them, evidently to the King. This tack was afterwards assigned by John Ross to his son James as a provision against his father and mother's death, for his entry at schools and for his upbringing in learning ; also the teinds of the lands of Tarsappie and of the salmon fishings called "the Garth." This was ratified by the King's Charter of Confirmation of July 10, 1600. A note of Ross's properties are given in one of these papers :—Barony of Craigie with the Mill thereof, the lands of Henrihall, Wester Malar, salmon fishings in the River Earn ; the lands of Kirkton, Jackston, Logiebride, Rushley, Balmacalie, Blelock and Inchstruie, and fishings in the Tay, as also the vicarage teinds.

On 23rd July, 1598, John Ross, minister, son of John Ross of Craigie, having failed to appear concerning an infamous libel written by him and delivered to John Boig, the King's master painter, was denounced a rebel.<sup>1</sup> Robert Ross was infest in the Barony of Craigie in 1601, and prior to 1620 sold the lands and Barony to David, son of William Moncreiffe of that ilk. This Robert Ross would appear, from entries in the Session Records, to have been reduced to a state of

<sup>1</sup> Privy Council Register.

poverty and destitution. On 21st November, 1620, Andrew Ross, in name of Robert Ross, his brother, related his misery and his various diseases and claimed support. The authorities gave him £3.<sup>1</sup>

In the beginning of the seventeenth century there are some curious entries against the Rosses in the Register of the Privy Council. In 1601 there is a complaint by Alexander Peebles, advocate, that Robert Ross of Craigie remains unreleased from a horning of 19th November for not paying 700 merks and 100 merks of expenses: decret was granted in absence. In 1602 there is a bond by Robert Ross of Craigie for John Pitscottie of Luncarty for 1,000 merks, not to harm William Young, minister of Luncarty, and a similar bond by Ross for William Young of Redgorton and ten others in £500 each not to harm John Pitscottie. There is a complaint by Eviot of Balhousie that Agnes Hepburn, relict of John Ross of Craigie, claims right to the teind sheaves of the parsonage and vicarage of Perth: letters had been granted arresting the teinds in the hands of the tenants. The Lords ordered the suspension of the letters. In 1606 there is a complaint by John Hutchison, Edinburgh, against Robert Ross and Robert Stewart for not paying 400 merks principal and £40 expenses. Warrant was granted to arrest them and seize and inventory their goods. In 1607 there is a complaint by Robert Murray of Perth that Robert Ross and three others, sureties for him, had not paid pursuer 1,000 merks and 100 merks yearly of interest, and 100 merks of expenses. Warrant was granted to arrest them and inventory their goods. John

<sup>1</sup> Pitcairn.

Howe, burghess of Perth, obtained similar decret against Robert Ross for a debt of 1,000 merks principal and £100 expenses, and David Rhynd, burghess of Perth, obtained a similar decret against Robert Ross for 2,000 merks and £200 expenses. These entries show that the family were getting into serious financial trouble and rapidly losing their means.

In 1602 we have that fruitful subject of debate—the teinds—up for discussion. Another complaint was made by Colin Eviot, proprietor of Balhousie, that Agnes Hepburn, relict of John Ross of Craigie, claimed a right to the teinds of the parsonage and vicarage of Perth, while Eviot claimed possession of those on his own lands. Hepburn meant to maintain her rights by convocation of the lieges-in-arms, and in the meantime letters had been issued arresting the teinds in the hands of the tenants till the question should be decided, and charging the complainer Eviot to desist from interfering under pain of rebellion. For his alleged disobedience he was put to the horn at the instance of Hepburn. The complainer stated in court that he and his predecessors from time immemorial had been in possession of that part of the teinds, and he ought not to have been troubled until legally dispossessed. The Lords gave judgment accordingly.

In the same year an inhibition was raised by James Ross of Craigie against Andrew Ross, son and heir-apparent of John Ross. Matters remained *in statu quo* till 1610, when a bond of guarantee of £10,000 was granted by Andrew Ross in favour of John Campbell of Lawers bearing the rent but no

interest. The penalty for failure was £500. In 1607 there was a decret against Robert Ross of Craigie and James Ross, minister of Forteviot, his brother, for 3,000 merks; and another against John Ross of Magdalene, minister of Blair, and James Ross, his brother, by Thomas Gaw, Perth, for 1,000 merks; and in the following year another decret against James Ross by William Ross, Perth, for 500 merks. In Fleming's Chronicle it is recorded, under date 1608, that Patrick Eviot, brother of the laird of Balhousie, was murdered in Blelock by his wife, Janet Ross, who was heir to the estates of Craigie and Kinfauns. He was shot while in bed by James M'Nair. Thereafter Janet Ross and M'Nair were apprehended, tried and executed, and their bodies burned in the Playfield of Perth, 17th May, 1608. M'Nair's head and arms were put on the Castle Gable port. After the death of Janet Ross, who seems to have wished to transfer by marriage her large estates to her paramour M'Nair, her uncle, Robert Ross, succeeded to the barony and estates of Craigie. In 1611 another decret was pronounced against John Ross of Magdalene, minister of Blair, and James Ross, minister of Forteviot, for 600 merks and £15 of expenses, and another against John and James Ross for 900 merks by John Drummond. There is also recorded this year a decret of appraising by John Campbell against Andrew Ross of Craigie, whereby Campbell got all right and title competent to Andrew Ross, as heir of John Ross, in the teind tack granted by the King and Queen, for the sums of money contained in the present bond granted by Andrew Ross. In 1615 a translation was granted by Andrew Ross to the town of Perth of all rights



he had in his father's tack of the parsonage teinds, and in 1618 there is an assignation by James Ross of Forteviot in favour of John Ross, his son, of the teinds and fishings of Tarsappie, and in 1621 a discharge granted by William Ross to the town of Perth of all right and title they have in the said teinds; and again in 1630 there is a decret of absolvitor obtained before the Lords of Council and Session by Andrew Gray against John Ross, son of John Ross, minister of Blairgowrie, anent the teinds of the parish of Perth. The same year there is an assignation by John Ross of Blairgowrie for himself and son in favour of the town of Perth of his rights in the tack granted by the King and Queen. This is accompanied by a discharge by John Ross of Blairgowrie for 1,000 merks granted by the town to him in satisfaction of all his rights in this matter. And so this long and expensive and vexatious litigation about the teinds and the Rosses came at last to a conclusion.

On 11th September, 1618, Thomas Ross, sometime minister of Cargill, and son of the laird of Craigie, was executed at the Cross of Edinburgh, because while studying at Oxford he affixed on the principal gate of one of the colleges a libel against his own countrymen in England, likening them to the seven lean kine of Egypt, and using many opprobrious terms against them. The Vice-Chancellor of Oxford sent him to the King, who sent him into Scotland. At his examination he said that necessity drove him to it, that he might procure some benefit from the King. He confessed at his execution that he was a man of a proud spirit, but thought the punishment greater than the fault.<sup>1</sup>

<sup>1</sup> Calderwood.

This Thomas Ross was the third son of John Ross of Craigie, and graduated at Edinburgh in 1595. He was licensed by the Presbytery of Perth in 1606. He went to England, having been recommended by some of the Lords of the Secret Council that as a scholar he might be placed in some of the colleges, It is said that in a fit of insanity he wrote the libel for which he was executed. He was long kept a prisoner in the Tolbooth of Edinburgh, and was afterwards sentenced to be taken to the Mercat Cross, and there upon the scaffold, first his right hand to be struck off, then his head to be struck off and affixed upon the Netherbow, and his right hand upon the West Port. He was forty-three years of age. (*Fasti Ecclesiæ Scoticæ.*)

General Patrick Ross of Innernethy, a descendant of the family, had by his wife Mary Clara Maude of the Panmure family, with other issue, Major-General Sir Patrick Ross, born in 1778. He entered the army in 1794, and served in India nine years as Captain of the 22nd Light Dragoons. During the Peninsular War he was a Lieutenant-Colonel of the 48th Foot, and served seven years in the Ionian Islands as Lieutenant-Colonel of the 75th Foot. In 1821 he obtained the rank of Major-General, and in 1846 was made Governor of St. Helena.

It will be observed that this family, though probably not so ancient as the Mercers, were for at least five centuries closely allied with the Ancient Capital. Their family history, so far as we have it, is unfortunately fragmentary and disappointing. It does not appear that any member of it occupied the civic chair, though one of them, Patrick Ross of Craigie, was Sheriff-Clerk of Perthshire. His son became an

advocate in Edinburgh, and had a successful career. The Rosses were evidently a flourishing family in the fourteenth and fifteenth centuries, and can boast of some distinguished members. Two of them fell at the Battle of Pinkie, as already stated, where so many of the Scottish nobility were slain. Among the county families with which they were connected were the Charteris of Kinfauns, Patrick Ross of Craigie having married Beatrix Charteris. The narrative we have given includes all that is recorded of them of any moment. The reader will notice that various members of the family were restless, troublesome, and insubordinate persons, fighting for their rights, violating the laws of the realm, and being occasionally confined in the Tolbooth. Though they were land-owners and proprietors of various properties besides Craigie, that does not seem to have modified their predatory habits, nor does it seem to have inclined them to take any part whatever in public affairs. But while saying so, it is also clear that in any movement of great moment the Rosses had to be reckoned with before the scheme could be carried through. How the Rosses originally acquired Craigie we are not informed, but they evidently lost it by extravagant living, as it appears to have been seized by creditors, and about 1620 sold to the Moncreiffe family, who still hold it. The decline of the family began in the sixteenth century, when, as the Hamilton Papers say, "Several members of the family figured discreditably in the official books of the time, and others of them suffered death for their crimes." After that period the family gradually disappeared from history.

## THE GRÆMES OF INCHBRAKIE.

One of our most ancient families is the Græmes of Inchbrakie, some of its members being very closely identified with Perth in early times. Two of the family held the office of Postmaster-General, having their office in Perth, while its most noted member, Patrick, the fifth baron, otherwise "Black Pate," led the right wing of Montrose's army at Tibbermore, and on various occasions during his life was the hero of valiant and heroic deeds. The first mention of the family appears to be in 1162, when Sir David Græme, knight, witnessed the Meikleour Charter of John Mercer. This was an ancestor of the Earl of Montrose. In 1282 another Græme received the confirmation of the lands of Fossehall, at Scone, and sat in the Parliament of Scone of 1281. In 1502 the first Earl of Montrose purchased Inchbrakie from the Mercers, which in 1513 was settled on his son, Patrick Græme, first laird of Inchbrakie.

The family is descended in a direct male line from William Græme, first Earl of Montrose, who was killed at Flodden in 1513. This Earl was thrice married, his third wife being Christian, daughter of Thomas Wavan of Stevenson, widow of Patrick, sixth Lord Halliburton, and by her he had two sons, Patrick Græme, first of Inchbrakie, and Andrew Græme, who became Bishop of Dunblane.

Patrick Græme of Inchbrakie married Margaret, daughter of Alexander Stewart, Bishop of Moray, and by her (who survived him and afterwards married Sir Duncan Campbell of Glenorchy) had a son, George Græme, second of Inchbrakie, who succeeded his father in 1538, and survived until

1575. By his wife, Margaret, daughter of Andrew Rollo of Duncrub (who afterwards married John Græme of Balgowan) he had several sons, (1) Patrick his successor, (2) John, the ancestor of the Græmes of Buchlyvie, and (3) George Græme, minister of Scone, 1599, afterwards Bishop of Dunblane, and later Bishop of Orkney, who had a number of sons.

The Bishop in 1612 witnessed a curious deposition at Perth by George Orme concerning the goods of Lord Sanquhar. He was that year appointed by the King while in Perth one of a commission of nobles, bishops, and knights to plant kirks in divers districts. In 1622 he was moderator of Perth Presbytery, and was afterwards appointed one of the auditors of the accounts of the new brig of Perth. Patrick Græme, third of Inchbrakie, married (1) Nicholas, a daughter of . . . Brown of Fordel, and (2) Margaret Scott, heiress of Monzie, of the family of the Scotts of Balwearie. He died in 1635 and was succeeded by the eldest son of his first marriage. Their grandson, David Toshach of Monzievaird, was in 1618 slain at the Southgate, Perth. George Græme, fourth of Inchbrakie, lived during the civil wars and suffered much then, being both fined and imprisoned. He was a Commissioner of the Sheriffdom of Perth. Patrick Smythe of Braco, writing his father from Aberdeen in 1651, states that when in Perth he saw David Graham of Gorthy a prisoner, and remained there three days. The enemy under Monck advanced that day from Perth to Dundee. All Balgowan's corn had been taken for the enemy's garrison at Perth (Cromwell's troops). George Græme died in 1654, and was succeeded by his

son Patrick (Black Pate), fifth laird of Inchbrakie, who joined Montrose and took an active part with him in the civil wars. He married Jean, daughter of Lord Madderty, and had by her several sons: (1) George, who succeeded him; (2) Patrick, who became captain of the Edinburgh town-guard, and was a colonel of dragoons in the service of King James VII.; (3) John, who was Postmaster-General of Scotland, and said to have been a very active man, and to have increased the local posts at his own expense. He died in 1609. (4) James Græme of Newton, who became Solicitor-General for Scotland. He had two daughters: (1) Anne, who married first P. Smith of Rapness, and secondly, Sir Robert Moray of Abercairny; and (2) Margaret, who married Robert, first Lord Nairne.

In 1685 James Pearson of Kippenross, J.P., was passing through Perth with a party of gentlemen—"Colonel Græme's troops"—commanded by Colonel John Græme, Postmaster-General. Lochiel's men, mistaking them for enemies, attacked them on the streets of Perth, and before matters were understood five of them, including Kippenross, were killed. This incident shows the lawless state of the country after the Cromwell period. Patrick Græme raised and paid the Atholl men, commanded Montrose's right wing at the engagement at Tibbermore, stayed three days in Perth with Montrose after the battle, and led his troops through the great troubles of that trying and troublous period. In 1651 he was appointed by commission to lead the nobles, gentlemen, and heritors of the Sheriffdom of Perth. The commission, which is still extant, is signed by thirty-

three of the nobles and gentlemen. In 1653 he was imprisoned in the Tolbooth of Perth for loyalty, but released by Colonel Daniell, the Governor, on bail of £20,000 Scots, by James, Earl of Tullibardine and James, Lord Drummond. In 1662 he was appointed Postmaster-General, with an office at Perth. In 1684 he was resident in Gowrie House, Perth, and is recorded as having left it on 16th June of the same year. He died in 1687, and was succeeded by his son George Græme, sixth of Inchbrakie, who married Mary Nicol, heiress of Royston and Granton, near Edinburgh, and died in 1704, and was succeeded by his eldest son Patrick, seventh laird. In his time the castle of Inchbrakie was burned by order of the Duke of Argyll after the battle of Sheriffmuir, although the laird was not in the country during the rising of 1715. He married Janet, daughter of James Pearson of Kippenross, and dying in 1740, was succeeded by his grandson, Patrick Græme, eighth laird, who was son of George Græme and Catherine Lindsay of the family of Lindsay of Cavill. This Patrick was a captain in the Dutch service, and was served heir to Patrick Græme the first of Inchbrakie. He married Amelia, eldest daughter of Laurence Oliphant of Gask, by whom he had three sons and three daughters, and was succeeded by his eldest son, George Græme, ninth laird, who was a captain in the 72nd Highlanders and a colonel of the Perthshire cavalry. He was wounded at the siege of Gibraltar.

In 1793 orders were given by Government to raise seven regiments of Fencibles in North Britain. Perthshire raised two troops under Charles Moray of Abercairny; and George Græme, Inchbrakie, was

captain. The men were disappointed with their pay of 1s. per day, and became insubordinate. They were formed into line and marched up and down the North Inch while George Græme rode to the barracks, and brought out a detachment of the 4th Dragoons. The ringleaders were detained, and the rest dismissed for the night. Marshall, the ringleader, was ordered 700 lashes, but was respited. He surrendered to his officers next day, and the matter dropped. On 17th June, 1794, Captain George Græme was made a burghess of Perth. He afterwards commanded the regiment when in 1795 it marched to Durham to assist in quelling riots in the north of England, and he received the public thanks of the magistrates and justices of Kendal and of the Sheriff of Dumfries and of General Sir George Osborne for the efficient help and orderly conduct of his gallant regiment, the Perthshire Fencibles. He married in 1792 Margaret, eldest daughter of Laurence Oliphant of Condie, and had issue (1) Patrick Græme, who entered the army and was killed in North America in 1814; (2) George Drummond Græme, who succeeded to the estates; (3) Major Laurence Græme, who became Lieutenant-Governor of Tobago; and marrying Miss Ridgway had issue, three sons and three daughters.

Major George Drummond Græme, tenth of Inchbrakie, succeeded his father. He entered the army and came through the Peninsular War, being severely wounded at the battle of Waterloo. He married Marianne Jane, daughter of James, Viscount Strathallan, and granddaughter of John, fourth Duke of Atholl, and had issue (1) Patrick James Frederick



Græme, eleventh of Inchbrakie ; (2) Amelia Anne Margaret ; and (3) Beatrice Marianne Jane, Superintendent of the Nurses' Home, Perth. Major Græme died in 1854.

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LINES ON THE MONASTERIES.

He (James I.) likewise built most sumptuously fair  
 That much renown'd religious place and rare,  
 The Charterhouse of Perth, a mighty frame—  
*Vallis Virtutis* by a mystic name.  
 Looking along that painted spacious field,  
 Which doth with pleasure profits sweetly yield,  
 The fair South Inch of Perth and banks of Tay,  
 This abbey's steeples and its turrets stay.  
 My grandsire many times to me hath told it—  
 He knew their names, this mighty frame who moulded ;  
 Italian some, and some were Frenchmen born,  
 Whose matchless skill this great work did adorn.  
 And living were in Perth some of their race,  
 When thus, alas ! demolished was this place ;  
 For greatness, beauty, stateliness so fair,  
 In Britain's isle, was said, none might compare.  
 Thence to the top of Law Tay did we hie,  
 From whence the country round about we spy ;  
 And from the airy mountain looking down,  
 Beheld the stance and figure of our town,  
 Quadrat, with longer sides from east to west,  
 Whose streets, walls, houses, in our eyes did cast  
 A pretty show. Then 'gan I to declare  
 Where our old monasteries, with churches fair,  
 Sometime did stand ; placed at every corner  
 Was one which with great beauty did adorn her.  
 The Charterhouse toward the south-west stood,  
 And at south-east the friars who wear grey hood.  
 Toward the north the Blackfriars Church did stand,  
 And Carmelites upon the western hand ;  
 With many chapels standing here and there,  
 And steeples fairly mounted in the air.

—*Muses Threnodie.*

## CHAPTER XXII.

**The Secession Movement and the Wilson Church—State of the River in 1732 made navigation near Perth impossible—Magistrates and Trades petition for authority to discharge vessels at Newburgh and Errol—List of Justices of the Peace in 1740—Remarkable censure on the keeper of the Tolbooth by the Lord Advocate—Perth and the Rebellion of 1745—Oliphant of Gask and the midnight riot—The tacksmen's fishing boats "commandeered"—Lady Nairne and her daughters support Rebellion—Lady Nairne invites doubtful Jacobites to her bedroom, and orders them to join the rebels—Duchess of Perth kidnaps the Crieff letter-carrier and seizes his letters—Denounces him and the Crieff people as "d—d Judases to the Duke of Perth"—Perth without either Magistrates or Council—Magistrates' addresses to the King and Duke of Cumberland—Magistrates assemble on the ground, and present Gowrie House to the Duke—Characteristic Refreshment bill of the Magistrates—General Wolfe and Provost Crie on Civil and Military Law — Wolfe's officers made burgesses.**

**FROM the Rebellion of 1715 to the Rebellion of 1745 the only prominent event connected with Perth was what is known as the Secession Movement under Ebenezer Erskine, which began in 1732-33. Erskine denounced the principles of some of his ecclesiastical brethren, and the matter came before the General Assembly on 3rd May, 1733. Erskine was heard in his defence, but there was a majority against him. He and three of his supporters were deposed, and in November they were loosed from their charges. They met with their friends at**

Gairney Bridge, near Kinross, on 15th December following, and formed themselves into a presbytery, as a body distinct from the Church of Scotland. The event created great excitement, not only in Perth, but all over Scotland. It was not till 1740 that they were fairly severed by a judicial act of the General Assembly from the Established Church. The body rapidly increased in numbers, and eventually they formed themselves into a Synod. Mr. William Wilson, one of the Perth ministers, and a pious and godly man, was prominent in this Secession, because he refused to recognise certain doctrines, and owing to the decision of the General Assembly he was, by the Magistrates, prohibited from occupying his pulpit. The Magistrates having received the Moderator's letter on Sunday morning:— "They came to guard the church door, and when they saw their minister coming they shut the door upon him." Mr. Wilson:—"In the name of my Divine Master I demand admission into this temple." The demand was three times made and three times refused. The crowd, who sympathised with Wilson, were about to stone the authorities and force an entrance. Mr. Wilson:—"No violence, my friends; the Master whom I serve is the Prince of Peace." The Dean of the Glover Incorporation offered Wilson the Glover yard for the services of the day, which was accepted. Wilson was followed by an immense crowd, and the service was conducted with great solemnity. Another building was soon erected for this venerable and much-esteemed minister, and this was the foundation of the Wilson Church. There is an interesting entry in the Council Records regarding Wilson:—

The Commissary of St. Andrews confirms Robert Watson of Sheillhill as *executor dative* to the late William Wilson, minister at Perth, on the 11th January, 1742, in and to the sum of £282 13s. 4d. Scots, owing to the deceased by the town of Perth as the price of the victual stipend payable by them for crop and year 1740 omitted from deceased's testament by the executor, but now come to his knowledge. David Adamson, burgess of St. Andrews, became cautioner for the executor that this sum would be safe and forthcoming to those legally entitled to it.

About this period Mr. Glas appeared on the scene. He was deposed from his church at Tealing in 1728, and 1733 he erected a church in Perth, which was the foundation of the Glasites.

In 1736 the navigation of the Tay occupied the attention of the Magistrates, who evidently discussed the matter with the Lord Advocate (Drummond). The points raised affected the trade of Perth considerably. There were no railways at that period, consequently the local traders were dependent on vessels coming up the river and discharging cargo at Perth harbour. The matter was intelligibly put in the following appeal from the Magistrates to the Government authorities:—

The fords and banks of the Tay near Perth having of late become much shallower, we have been obliged to unload our vessels at Newburgh, where there is a very commodious quay. But as both that and the one at Errol have been built since the Port of Perth was laid out by commission from the Exchequer in 1710, neither of these has been declared lawful for loading and unloading goods; and for that reason the Board of Customs have not authorised goods to be exported or imported at either place, but only at Perth. We cannot be on a footing with our neighbours unless we import our goods in vessels which

come up to Perth ; and if this inhibition is continued several vessels belonging to this place will be rendered useless and our merchants compelled to import their goods in small vessels or of unloading their goods at Dundee and be at the expense of carrying them from there and thereby be undersold by our neighbours and our trade ruined. We beg you will make such application to the Commissioners of Customs as you think proper for an order from the Treasury to allow the discharge of goods at Newburgh and Errol or alternatively that the Exchequer issue a new commission for the inspection of this place in order to declare Newburgh and Errol lawful quays of the district. It is necessary that no privilege be granted these places that would involve the removal of the Custom House from Perth and perhaps drain the burgh of its principal traders. This permission to be restricted to vessels belonging to Perth and freighted by our merchants. For some years past the river has been taking a strange turn with a narrow unnavigable rapid channel. We must endeavour if possible to divert the current back to the old channel ; and if the town is unable for the expense or if the fishery proprietors attempt to stop us, we might apply to the public for support. We are, etc.

There is reason to believe that the Custom House authorities complied with this proposal, as the Perth Custom House was not disturbed, and Newburgh and Errol were allowed to retain their *status quo*.

A list of the Justices of the Peace for the County of Perth for 1740 has been preserved, and as a contrast to the list of to-day we reproduce it as being a paper of considerable interest :—

Frederick, Prince of Wales	The Duke of Dorset
John, Archbishop of Canterbury	The Duke of Grafton
Philip, Lord Hardwick, Elibank	The Duke of Somerset
Lancelot, Archbishop of York	The Duke of Richmond
Spencer, E. C. of Wilmington	The Duke of Bolton
Francis El. Godolphin, Priory Scoll	The Duke of Devonshire
	The Duke of Rutland
	The Duke of Montague
	The Duke of Queensferry



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THE OLD PIER OF KINFAUNS.



The Duke of Argyll	Lord Cardross
The Duke of Athole	Lord Down
The Duke of Montrose	Lord Glenorchy
The Duke of Roxburgh	Lord Rollo
The Duke of Kent	Lord Kinnaird
The Duke of Ancaster	Lord Ruthven
The Duke of Newcastle	Arthur Onslow, Esq., The
The Duke of Chandos	Speaker
Marquis of Graham	Sir Robert Walpole
The Earl of Pembroke	Sir William Lee
The Earl of Chesterfield	Sir John Wills
The Earl of Winchelsea	Sir Paul Methven
The Earl of Essex	Sir Charles Wills
The Earl of Burlington	Sir Robert Sutton
The Earl of Abingdon	Henry Pelham
The Earl of Scarborough	Horatio Walpole
The Earl of Coventry	Sir William Young
The Earl of Grantham	James Stewart M'Kenzie of
The Earl of Cholmondely	Rosehaugh
The Earl of Marchmont	The Master of Rollo
The Earl of Stair	The Lord Justice General
The Earl of Islay	The Lord Justice Clerk
The Earl of Uxbridge	The Lord President and Lords
The Earl of Waldegrave	of Session
The Earl of Fitzwalter	The Lord Chief Baron and
The Earl of Abercorn	Barons of Exchequer
The Earl of Buchan	The Lord Advocate Erskine
The Earl of Rothes	Sir Laurence Mercer of Aldie
The Earl of Breadalbane	Sir Jas. Campbell of Aberuc-
The Earl of Kinnoull	hill
The Earl of Strathmore	Sir George Stewart of Grand-
The Earl of Wemyss	tully
Viscount Lauderdale	Sir George Preston of Valley-
Viscount Cobham	field
Viscount Torrington	Sir Hugh Moncrieff of Tipper-
John Lord Harvey	mallo
The Bishop of London	Sir William Murray of Ochter-
Lord Harrington	tyre
Lord Delaware	Sir James Kinloch of Kinloch
Lord Berkeley	Sir James Ramsay of Bamff
Lord Monson	Patrick Murray of Dollerie
Lord Gray	Laurence Craigie of Kilgraston
Lord Balmerino	Robert Craigie of Glendoick
Lord Napier	Patrick Campbell of Monzie
Lord George Murray of Glen-	John Drummond of Megginch
carse	John Erskine of Carnock
Lord John Murray of Pitna-	James Fenton of Millearn
cree	Mungo Graham of Gorthy
Lord Frederick Murray	Mungo Haldane of Gleneagles
Lord George Graham of	John Erskine of Balgonie
Calendar	Alex. Belsbes of Invermay
Viscount Stormont	Brigadier-General Jas. Camp-
Viscount Dupplin	bell of Lawers



John Stewart of Balnakeilly	Thomas Graham of Balgowan
John Craigie of Dunbarney	Patrick Hay of Seggieden
George Hay of Leys	George Home of Argaty
John Robertson, late Provost of Perth	Kenneth M'Kenzie of Delvine
Patrick Halyburton of Pitcur	Robert Mercer of Aldie
Major-General Grey, Preston	Rev. James Mercer of Cleavage
W. Ferguson, late Provost of Perth	James Miln of Milnfield
John M'Kenzie of Delvine	James Moray of Abercairny
Nicholas Graham of Gartmore	George Murray of Pitcaithly
Sir Wm. Nairn of Dunsinane	John Murray of Lintrose
Laurence Oliphant of Gask	Anthony Murray of East Grange
Anthony Murray of Dollerie	Patrick Ogilvie of Inchmar- tine
Sir Robt. Menzies of Menzies	James Ramsay of Ochtertyre
Joseph Austen of Ardarie	David Smythe of Methven
David Drummond of Pit- kellony	John Stirling of Keir

And the Chief Magistrates of each burgh in the County.

It is recorded in 1740 that there was a great scarcity of provisions in Perth which obliged the Town Council to order from England 600 quarters of peas and 200 quarters of oats. £300 was borrowed from the Perth Old Bank to pay the same. The Council also ordered from London £17 in half-pence and £50 in farthings. Evidently small coin was then very scarce. The reason for this scarcity of provisions is not explained, but the condition of the Ancient Capital at that period was unsatisfactory, arising from the antagonism between the military and the inhabitants and the oppressive system of billeting, a state of matters which culminated in the Rebellion of 1745.

#### PERTH RACES OF 1740.

On Tuesday, 25th August, the Council gave a purse of forty guineas, to be run for on the South Inch by any horse not exceeding five years old, carrying ten stones, the best of three heats, each heat three miles. On Wednesday, 26th August, they

gave a purse of thirty guineas for four-year-old horses carrying nine stones, the best of three heats, each heat two miles. On Friday, 28th August, they gave a purse of forty guineas for six-year-old horses carrying eleven stones, and the best of three one-mile heats. To enter three days before starting. An assembly took place every night, and a large public room was prepared where ladies and gentlemen dined and supped at the ordinary.

The following is a very curious incident in our local history, and is preserved without any explanation whatever. The communication is from the Lord Advocate, dated at Edinburgh, 7th September, 1743, and addressed to James Sibbald, keeper of the Tolbooth, Perth:—

The Justice Clerk on an information signed by me, granted warrant to arrest and incarcerate in the Tolbooth of Aberdeen, John Kennedy, Duncan and James Macgregor and others for theft committed in Aberdeenshire. But I know of no warrant obtained by me for imprisoning any of them in the Tolbooth of Perth. I was informed after they were apprehended that some of your Magistrates used the freedom of altering the warrant of the Justice Clerk and ordained the thieves to be imprisoned in Perth. Out of which by your neglect, as appears by a prerogative taken by the Magistrates, James Macgregor, the most guilty of them, after he had confessed the whole crime, was allowed to escape, and therefore both you and the Magistrates being answerable for the keeper of their gaol will be liable for damages to the gentlemen concerned. More than six months ago I acquainted your Magistrates that I was satisfied Kennedy and Duncan Macgregor should be liberated on bail, which I am told they offered; and it was unnecessary to detain them in prison. Had these thieves been carried to the prison of Aberdeen as the Justice Clerk's warrant demanded, none of them could have escaped, and that county had agreed to

be at the expense of their trial and maintenance. But as that warrant was not obeyed and the thieves put in your Tolbooth in the midst of their friends without any warrant by me, you may ask payment of their alimnt from whom you will, but I'll pay none of it nor take concern directly or indirectly with Kennedy and Duncan Macgregor's liberation. This you may communicate to the Magistrates and Justices of the Peace if you incline, as my answer.

There is a letter under date 4th April, 1744, from John Coutts, Lord Provost of Edinburgh, ancestor of the Baroness Burdett Coutts, to Patrick Crie, Provost of Perth. He had heard that a large cargo of linen and other goods, loaded by the townspeople on board of a vessel for London, had been unloaded since the declaration of war (with France) until the navigation could be rendered safer by convoys; and believing that Dundee and other ports might be in the same situation, he had called a meeting of the Convention of Burghs, and by their unanimous order had written to the agent at London to solicit from the Board of Admiralty ships to be stationed on their coast, and convoys for their shipping; also to the Lord Advocate (Robert Craigie of Glendoick) as a member of Committee, and to their own member. From this date the accounts of the town were authorised to be kept in sterling money in place of Scots.

THE REBELLION OF 1745 (AS IT CONCERNED  
PERTH).

On that memorable night in July, 1745, when Prince Charles Edward landed on Long Island in the Hebrides, he little thought what privations lay

before him ere his mission could be accomplished. The Highland chiefs were very unwilling to raise the standard of rebellion, as they had grave doubts of success, and they had not forgotten Mar's management of 1715. Though they used all their eloquence to persuade the Prince to return to France, it was of no avail. Eventually young Macdonald of Clanranald joined him, and thereafter others followed his example. The movement spread, and gradually a large number flocked to his standard. The Prince was a young man of remarkable personal attractions and fascinating address, and was well qualified to make an impression on all with whom he came in contact. His rank and the romance of his adventure made him a favourite specially with the fair sex, to whom not a little of his success and his ultimate escape are due. When it became known that he meant to visit Perth and probably remain some time, the citizens became alarmed. He had arrived at Blair Castle, travelling from the Hebrides via Fort Augustus and Dalwhinnie, and had sent on Lord Nairne and Lochiel in front of him with 400 soldiers to proclaim him at Dunkeld.

On the 3rd September, 1745, he entered Perth, of which he obtained undisputed possession. He wore a Stuart tartan dress trimmed with gold. He was accompanied by the Duke of Perth at the head of 200 men, Viscount Strathallan and his son, the Honourable William Murray, Laurence Oliphant of Gask and his son, Mercer of Aldie, John Roy Stewart, Robertson of Struan, and others. They repaired to the Mercat Cross of Perth and proclaimed the Chevalier de St. George, his father, as King, with a warrant authorising the Prince to act as Regent in his absence. Laurence

Oliphant was made deputy-governor of Perth. The house chosen as the temporary residence of the Prince was that of Lord Stormont, an antique house with a wooden front on the site now covered by the National Bank. It is recorded that the magistrates, town clerk, and some of the leading inhabitants, who were Royalists, left Perth and went to Edinburgh. The Prince remained eight days at Perth, and daily reviewed his troops on the North Inch. He was an early riser, and every morning wrote his despatches and drilled his troops. The Jacobites in Perth and neighbourhood got up a ball in honour of his visit, and it appears they were much insulted because he retired from the assembly when the first dance was over. On Sunday 8th September the Prince attended the Protestant service, when Mr. Armstrong, the preacher, took for his text Isaiah xiv. 1-2. The Prince had evidently spent all his money. When he arrived here he showed one of his friends his purse, which contained only a guinea, the last of 400 which he had brought from France. In the march from Glenfinnan he gave the chiefs what money they required to pay their men. While at Perth he proceeded to levy the cess and public revenue in name of his father, while those who were too timid to join his standard sent sums of money to aid his cause. The contribution exacted from Perth was £500, which was paid by the Corporation. The Prince left on the 11th September, taking with him as prisoners of war Patrick Crie, late Provost, David Sandeman, and others; all of whom he set free at Auchterarder, on his way to Stirling and Edinburgh. How these citizens were captured we are not informed. At Dunblane the Prince remained on the

night of the 12th. On the 13th he passed through Doune, and accepted the hospitality of Mr. Edmonston of Cambus. It would appear that the gentlewomen of the district had assembled to see him pass. He drew up before Edmonston House, and without alighting from his horse drank a glass of wine to the health of the fair ladies present. When he had finished his wine, the ladies begged, in respectful terms, the honour of kissing his hand. This favour he granted with his usual grace, but Miss Clementina Edmonston thought she might obtain a much more satisfactory taste of Royalty, and made bold to ask permission to "pree his Royal Highness's mou'." The Prince did not at first understand this Scottish phrase, but it was no sooner explained to him than he took her in his arms and gave her a hearty kiss, to the no small vexation of the other ladies, who had contented themselves with so much less liberal a share of princely grace.<sup>1</sup>

On the 17th September the Prince arrived in Edinburgh, where he remained some time. At his balls, which were held in the picture gallery of Holyrood, he was careful to dress very elegantly, wearing on some occasions a habit of fine silk tartan with crimson velvet breeches, and at other times an English Court dress, with the Ribbon, Star, and order of the Garter. White ribbon and breast knots became conspicuous articles of female attire in private assemblies. The ladies showed considerable zeal in contributing plate and other articles for his use at Holyrood, and in raising pecuniary subsidies for him. Many a treasured necklace and repeater, many a jewel which had adorned successive

<sup>1</sup> Chambers, Domestic Annals.

generations of family beauties was at this time sold or pledged to raise a little money for the service of Prince Charlie. From Edinburgh the Prince's forces advanced to Preston, where, after a pitched battle, they defeated Sir John Cope, who commanded the King's troops. Their march south was interrupted by a report that the Duke of Cumberland at the head of an army was marching against them, and they returned to Scotland. On 30th October, the anniversary of King George II.'s birthday, while the Prince and his troops were in Edinburgh, a number of workmen, tradesmen, and a mob, about midday took possession of the church and steeple of Perth, and rang the bells. Oliphant, the Governor, ordered them to desist, but they refused, and rang the bells till midnight. The mob made bonfires on the street, ordered the windows to be illuminated, and broke the windows of those who refused. Oliphant sent a party of soldiers to disperse the mob. The soldiers fired and wounded several of them, on which the mob rushed on the soldiers, disarmed and wounded several of them. After this the guards at all the town's gates took possession of the main guard, rung the fire bell, and drew about 200 persons to join their enterprise. They then sent a messenger to the Governor requesting him immediately to deliver up their arms and ammunition and to withdraw from the town. The Governor refused. A skirmish began at 2 a.m. and lasted three hours. The mob fired on the Council Chambers from the heads of the lanes, windows, and from behind stairs. Four of the mob were wounded, and one of the Governor's party was killed and three or four wounded. To prevent any similar outbreak, a hundred of

the Prince's followers were added to the previous garrison. Cluny Macpherson joined the Prince, and in company with the Master of Lovat contributed 800 soldiers, which was a substantial addition to the reinforcements already at Perth. Great efforts were made to augment the Prince's forces. The total number at Perth amounted to 4,000, one half of whom were Highlanders. The Prince's followers now marched to Stirling, and his cause became so popular that his retinue there is reported to have been no less than 9,000. With this force the Prince gave battle on 17th January to the Royalists under Hawley at Falkirk, and after much fighting defeated them with great slaughter. It would appear that 500 of the Royalists were killed and 20 officers; while the Prince's loss was inconsiderable. The Prince returned to Stirling, thence to Dunblane and Crieff. He held a council of war at Ferntower, the seat of Sir David Baird, when it was resolved to put the army in two divisions, one chiefly composed of Highlanders to march direct north of the Highland Road, the other to proceed to Perth and go by the east coast to Montrose, Aberdeen, and Inverness. The same evening, 2nd February, Lord George Murray arrived at Perth from Ferntower with his division and went on to Atholl as directed. The Duke of Cumberland now arrived on the scene, and with his followers resolved to pursue the Prince. He reached Perth on 6th February, but the Prince and his followers had gone. When the Duke ascertained the actual state of matters he gave up the chase, but remained in Perth a few days and plundered the residences and carried away the effects of those known to be Jacobites. At this time a force of



5,000 Hessians arrived from Edinburgh under the Prince of Hesse, brother-in-law of the Duke. They remained at Perth for some years after the Rebellion, and encamped on the North Inch on the west side of the old Dunkeld Road, which then ran through the Inch at Balhousie. Shortly after this, viz., on 16th April, the battle of Culloden took place, when Prince Charlie and his forces through mismanagement were defeated. It may be said that with this event the Rebellion totally collapsed and the history of the Ancient Capital thereafter became "as dull as ditch-water." This Rebellion presented none of the features of that of 1715. Prince Charlie was admired by the Scottish people, and was a general favourite. In the Highlands he was strongly supported, and had every reason to believe that his cause would be triumphant. Up to the date of the unfortunate battle of Culloden, both he and his supporters had great hopes of ultimate success. At Falkirk he defeated the Royalists, and all along the line he was successful. At Culloden his defeat was due not to any want of bravery on the part of his troops, but because of the foolish conduct of the Macdonalds, who refused to fight because they were placed on the left wing and not on the right, the place of honour. This defeat was an overwhelming calamity to the Prince, as his chances of success were for ever blighted. There was nothing left for him but to return to France, and leave the House of Hanover in undisputed possession of the throne.

The accommodation for all these troops who were occupying the town during the Rebellion and after was quite inadequate, if we may judge from the Records of the time. Evidently the venerable

Church of St. John had to be utilised for the purpose, in proof of which we find the following one of many accounts lodged against the town :—

*1746—The good town of Perth to John Anderson*

1140 deals for soldiers to lie on in the kirk and meeting houses, and for the use of his Majesty's forces (839 returned)	-	-	-	£13	12	0
12 planks for gangways for boating the horses to cross the river	-	-	-	1	10	0

*The town of Perth to John Blair, wright*

Laying of seats in the churches with deals and levelling some of the lofts for the Duke's army to lie upon	-	-	-	-	-	£5	0	0
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The tacksmen of the Town's Fishings had a hard time of it. It is recorded that on the 14th March, 1746, the whole of the fishing boats were ordered up to Perth by the military, and were detained there till the 24th, and the tacksmen were afterwards allowed to take them back. The fishers were strictly charged not to use them except from sunrise to sunset, which resolution was in force till 16th April. Again on the 1st July the boats were ordered to Perth to continue there for two days. On 25th July another order was issued for bringing the boats to Perth, which caused the fishers to give up work for the season. The tacksmen appealed to the town for compensation for their loss.

We come now to a famous incident—Lady Nairne's connection with this Rebellion. Her ladyship was a strong Jacobite, and what she did on this memorable occasion is one of the most interesting features of the rising of 1745. Among the depositions of the rebel prisoners, taken after all was over, we find the

following, taken before the Sheriff at Perth, 18th March, 1746:—

Patrick M'Farlane deponed that on 31st October, early in the morning before he got out of bed, Andrew Forsyth, servant to Lady Nairne at Marlehall, and James Bisset in Greenhaugh, came to him and stated that Lady Nairne ordered him immediately to meet with her other tenants at five mile house in order to go to Perth and assist in quelling a mob, and if he refused Forsyth and Bisset were to carry away his horses and black cattle to the Highlanders. On which the deponent got out of bed and went to the five mile house, where he found Lady Nairne's tenants convened. He also found there Mrs. May Nairne, daughter of Lady Nairne, and wife of Duncan Robertson, and Mrs. Mary and Mrs. Harriet Nairne, also daughters of Lady Nairne. He heard these ladies insisting on the tenants to go to Perth, which the tenants did. The leaders put white cockades into the bonnets of such of them as would allow them. Andrew Finlay said that Mrs. Mary and Mrs. Harriet Nairne came to his house on 31st October and ordered him instantly to go to Perth. He went same evening, and was obliged to join the rebel guard in the Council House and to take up arms. He was present when the guards fired on the townspeople, also when a Frenchman was shot dead by a bullet from the street. William Watson said that on the 31st of October these ladies came to his house and ordered him and his neighbours instantly to repair to the House of Nairne. They did so, and the ladies ordered them to go to Perth and assist as a guard to Lord Strathallan. On he and his neighbours refusing to go, Mrs. Mary Nairne threatened to seize their whole bestial and send it to the Highlanders at Perth, on which he and his neighbours were obliged to go, and the rebels forced them to take up arms. Adam Robertson said that on 31st October a Frenchman came to Nairne House about one o'clock in the morning and roused the family out of bed. After he had spoken to the three young ladies they came downstairs and told him that

the Frenchman told them that the townspeople of Perth had risen in a mob against Lord Strathallan, and he was in danger. The ladies ordered him and others to meet at the five mile house and go to Perth to assist in quelling the mob, which he did. Margaret Fordyce, servant to Lady Nairne, said that on 31st October she saw some of the men-servants carry to the five mile house several loaves of oat bread and several gallons of ale. William Boyd said that he told him and two others to go to Perth and join the rebels, but they refused. They were ushered into Lady Nairne's bedroom, and her ladyship insisted on their going to Perth at once and joining the rebels. If they refused to go, she could hold the clans no longer from them. They agreed to go. John Fogo said that he was ordered by Lady Nairne to rouse twelve of the tenants to go to Perth and assist Lord Strathallan. He was called into her bedroom and requested to go to Perth. He was at the five mile house and saw the ladies putting white cockades in the tenants' bonnets. Andrew Finlay said that the Saturday evening before the King's birthday he and two others being sent for went to the House of Nairne and were shown into Lady Nairne's bedroom. He stood at the door and heard Lady Nairne ordering them to go to Perth and assist Lord Strathallan, failing which she would plunder all their goods and throw them to the door. John M'Ainsh, Crieff, said that as he was travelling from Stirling to Crieff he was intercepted and held a prisoner by Duncan M'Ainsh, servant to the Duke of Perth at Drummond Castle and two others, who took four letters from him, and after threatening him for carrying letters prejudicial to the Duke he was taken prisoner to Drummond Castle. The letters were then shown to the Duchess. Her ladyship said to him "it was not worth her while to punish him at present for carrying these letters, but that he and the other Crieff people were d——d Judases to their master, the Duke of Perth. He would be severely handled if he carried any more letters of that kind."

The papers in connection with the '45 include the declarations of twenty-three State prisoners taken between the 10th and the 15th of February, 1746, and examinations of 113 State prisoners committed at Perth from 21st April to 22nd July, 1746. Precognitions of witnesses from April to December, 1746. There is also an alphabetical list of State prisoners committed to the Tolbooth of Perth since 1st February, 1746. Among these were Sir James Kinloch Nevay, Lieutenant-Colonel in Lord Ogilvie's Regiment; and Messrs. Alexander and Charles Kinloch, captains in the same regiment; Lady Nairne and Lady Strathallan, who instigated persons to the Rebellion; Henry Clark, residenter in Edinburgh, Lieutenant and Adjutant of the Clan M'Intosh, who died in prison at Carlisle; John M'Naughton, watchmaker in Edinburgh, Perthshire squadron of the rebel army, who was said to have killed Colonel Gardiner—he denied the fact, but was executed at Carlisle; Alexander Dalmahoy, only son of Sir Alexander Dalmahoy; John Stewart of Balado, Kinross (who on his own confession was an officer in the rebel army in 1715), one of five persons at Carlisle not tried, and in hopes of being discharged for want of evidence. In 1746 the Duchess of Perth and Lady Strathallan are said to have been prisoners in Edinburgh Castle.

The effect of these proceedings was that the burgh was left destitute of local government, a state of matters that called for prompt attention. It was the duty of the inhabitants to take steps to have the town restored to its normal condition. From Michaelmas, 1745, to June, 1746, there were neither Magistrates

nor Council. The annual election usually took place at Michaelmas, but the town being in possession of the Jacobites, no election took place in 1745. Certain of the inhabitants forwarded a petition to the King desiring him to order an election according to the ancient constitution, along with proper persons to carry it out. This petition was reasonable, and came before the Court at Kensington on 28th May, 1746, when the following deliverance was given :—

Whereas the Lord Advocate and the Solicitor General have reported that they have considered the same together with the order made by his late Majesty on 10th March, 1715, they are of opinion that his Majesty authorise the same persons who might have elected the Magistrates and Council at Michaelmas last had they not been prevented by the rebels to proceed to such election now or on a day to be named by his Majesty. His Majesty, taking into consideration the peace and good government of the burgh, hereby orders the Magistrates and Council who served for the past year to proceed on 9th June next to the election of a council for 1746 in same manner as they would have done but for the rebellion, and afterwards such elections to be continued according to the constitution.

The Magistrates at this period manifested a weakness for presenting addresses, as the following will show. They began with an address to the King :—

PERTH, 10th June, 1746.

We, your Majesty's dutiful and loyal subjects, the Magistrates and Common Council of Perth, now that in your royal clemency we again enjoy our privileges as a royal burgh by your order in Council of 28th May last, authorising us to elect magistrates and councillors, according to our ancient constitution, by

which we were deprived by the late horrid Rebellion. We beg leave, with hearts full of gratitude to Heaven, humbly to congratulate your Majesty on the blessed event of the crushing of that most wicked and audacious attempt of traitors against your Majesty's crown, and all that is valuable to your loyal subjects. When we reflect how those infatuated rebels, whom no oaths can bind nor money soften, were elated and their numbers increased by their success against some of your Majesty's troops at Preston, how they impudently and impiously construed the tempestuous winds and rain, which prevented their total overthrow by your Majesty's troops at Falkirk, as the interposition of Heaven on their behalf: and when we reflect how that great multitude of traitors, on the approach of our glorious deliverer, H.R.H. the Duke, at the head of your Majesty's troops, did retreat and fly before him, till in the near neighbourhood of these barbarous northern parts, where a spirit of much disloyalty is chiefly cherished. He defeated them in battle, and we cannot but, with the atheism and infidelity of the age, observe the hand of God in this event; as thereby His Royal Highness, being in the heart of that rebellious country, has it more in his power to complete our deliverance and to prevent our fears of any after attempts of these silly fools of haughty France. May the Most High God, by whom kings reign, continue graciously to preserve your Majesty's person and government and the succession to the Crown of Britain in your illustrious house to the latest ages, for as the true interest of your Majesty and Royal Family and that of the people of Great Britain and Ireland are inseparable, both as to sacred and civil concerns, the stability of your Throne must fill our most enlarged wishes, and this shall ever be our prayer to God.

PATRICK CRIE, *Provost.*

The 11th of June, 1746, was a day to be remembered in the annals of the Ancient Capital, as an event of great importance took place on that occasion, the gift of Gowrie House and grounds by

the Magistrates to the Duke of Cumberland<sup>1</sup> in recognition of his having crushed the Rebellion by his victory of Culloden. It will be observed from what follows how careful the authorities were not to name Gowrie House, but merely to give the boundaries of the property. This is the Duke who was called the "bloody butcher" for the cruelties he committed at the close of this Rebellion:—

On the 11th June, 1746, in presence of Patrick Crie, Provost of Perth and others, compeered on the ground of the lodging, buildings, etc., after specified, Thomas Cockayne, Lieutenant-Colonel of Major-General Poultney's regiment of foot, John Mordaunt, Brigadier-General, as attorney for the Duke of Cumberland; and exhibited a disposition of 9th June current granted by the Magistrates of Perth, whereby they dispone to the said Duke and his heirs, etc., the lodgings, houses, buildings, gardens with the pertinents thereto, as follows:—all and whole these lodging, tenements, houses, buildings, cellars, vaults, areas, gardens, summer houses, walks, avenues, wells belonging to the town of Perth, and purchased by them from General David Leslie in 1659, lying within the burgh of Perth, and bounded by the Watergate and Speygate and east end of South Street on the west; the vannel from the Watergate to the Tay on the north; the Tay on the east, and the dock of the South Pier or shore of Perth on the south. Infestment to be made and granted to the said William, Duke of Cumberland. These things were so said and done on the ground of the said lodgings, as also stated in presence of Major Richard Ligard of General Poultney's regiment of foot, Brigadier Worge and Walter Miller, Patrick Murray and Thomas Drummond, writers in Perth.

This presentation was accompanied by the following addresses:—

<sup>1</sup>Second son of George II.



We, the Magistrates and Common Council of Perth, beg to express our gratitude for his Majesty's (your Royal father's) clemency in restoring to us our ancient privileges, and for your great goodness to us on this occasion; and at the same time to congratulate your Royal Highness on the happy event of your glorious success at the head of his Majesty's troops against a numerous army of rebels and traitors against whom and all other enemies of our gracious sovereign, King George, and the tranquillity of Europe: may God ever honour your Royal Highness with repeated successes, till you bring down the pride and arrogance of France, by whose infatuated fools the ruin of Britain has of late been threatened and attempted. As your Royal Highness was graciously pleased to do us the honour to accept of an absolute right from us to some houses and gardens as a testimony of our gratitude to you as the deliverer of our native country from misery, we beg leave to represent that when our elections were finished on the 9th current, we signed a deed of conveyance of the subject to your Royal Highness, and have this day, at the sight of Brigadier-General Mordaunt, expected your infestment and investiture. Which writs, with a diploma giving the freedom of this corporation to your Royal Highness, we hope you will allow us to put in your hands before you leave Scotland. That the blessings of Heaven may always be showered plentifully on your Royal Highness and every other branch of your family is our earnest prayer. Signed at Perth 11th June, 1746.

PATRICK CRIE, *Provost*.

It is noticeable that at this important presentation the Duke of Cumberland was not present. He appears to have been for the time at Fort Augustus. Amongst the archives of the town there is an account of the expenses of Provost Crie, Bailie Robert Robertson, John Robertson of Tulliebelton, and George Miller, town clerk, for their journey to Fort Augustus, with two servants and six horses, to

present the address from the town of Perth to H.R.H. the Duke of Cumberland, amounting to £16 7s. 5d. sterling, disbursed by Tulliebelton in June, 1746, and discharged in November following. This was not the final disposal of this notable property, but each of its various transfers was always accompanied with a degree of mystery.

Immediately following this event, the Magistrates petitioned the Duke on another matter:—

That by the present embargo on shipping at Perth the whole inhabitants are in want of coals, the only materials there of firing for brewing, baking, and other necessary uses; they being the scarcer when every family provides themselves with coals by water via Firth of Forth. About 300 vessels are ordinarily discharged at Perth each summer. If your Royal Highness is not graciously pleased to give permission to a sufficient number of ships to sail from the Forth to Perth with coals till the inhabitants are sufficiently provided, the brewers and bakers will of necessity in a very few days be stopt; and his Majesty's troops and the inhabitants of the town must be deprived of the necessaries of life and thereby besides other inexpressible hardships his Majesty's excise revenue must be greatly diminished, and by the note signed by the collector herewith you will observe that the excise of malt and all within this town since your Royal Highness and the army marched into this country amounts to a very considerable sum. Your petitioners are willing to give what security you think proper that the vessels employed in the coal trade shall no way favour the screening or escape of rebels.

Notwithstanding the ample revenue of the town of Perth, the Magistrates of these days contrived to get the town involved pretty deeply in debt. To accomplish this they had every opportunity, as they never rendered any account of their stewardship to the

public. Dinners and suppers were given on the most trifling occasions, and a reckless waste of money prevailed. If a tradesman was employed about any little job, it was made the subject of special visits by one or other of the Magistrates and some friends. There was an adjournment to the public-house, and if any one offered to pay their proportion of the reckoning the offended bailie would exclaim with an air of offended dignity: "What, sir, would ye presume to pay in the presence of a Magistrate! Put it to the town's account." In every case of pillory, whipping or hanging, a Magistrates' dinner was considered indispensable.<sup>1</sup>

The accounts for entertainments and suppers to the Magistrates were very numerous. Here is a specimen:—

*The good town of Perth to James Beveridge.*

1746—June 2—Entertaining Magistrates and others—

4 snakers of punch (punch bowls)	-	-	-	£0	14	0
4 bottles and a mutchkin sherry	-	-	-	0	9	0
4 bottles of ale and bread	-	-	-	0	1	0
				<hr/>		
				£1	4	0

The refreshment was charged twice a week by Beveridge; but he had no monopoly, for in addition to his twice a week bill, there were similar bills in the other taverns, all of which were paid out of that elastic source of revenue, the common good of the burgh.

The persistent occupation of the Ancient Capital by the military in the eighteenth century was destructive of all commercial prosperity, and was the main cause of the scarcity of food stuffs which then prevailed. The Rebellions of 1715 and 1745 were

<sup>1</sup> Penny.

very serious matters both for the authorities and the people, and particularly as these events were forced on the inhabitants and arose outwith their jurisdiction altogether. In these circumstances the prosecutions which then took place, and which we have already adverted to, were conspicuous for the bitterness of feeling and harshness which ruled the administration of the Magistrates in dealing with those who had honourably fought and lost their cause. One thing is noticeable, however, and that is, that the Magistrates for the time and the military very seldom quarrelled. During all these troubles there are only two or three instances on record. One we have already given. It would appear, however, that in 1750 General Wolfe and Provost Crie fell out as to the punishment of a soldier. The General entirely differed from the ruling of the Magistrates, and sent the Provost an indignant letter to the following effect :—

General Wolfe sends his compliments to Provost Crie, and desires him to consider whether the sentence of fine and imprisonment given against a soldier of the Royal Artillery be consistent with the 56th clause of the Mutiny Act. The General further desires the Provost to consider whether defamation or scandal can properly be called criminal, or indeed whether a soldier can be guilty of such a fault as it has never yet been understood that they have it in their power to take from any man his good name, or to lessen his reputation. Further, an unlimited imprisonment for not paying a fine, of which if I mistake not a soldier is by law considered incapable, seems a very hard and severe sentence for a fault of the nature complained of, and is the utmost extent of the judicial authority. The General therefore begs to know from Provost Crie whether he is determined to adhere to this sentence of the court, and will

keep the soldier in prison notwithstanding the impossibility of paying a fine : as in that case the General must take such steps as he thinks necessary for securing the prisoner's liberation, at least, in intending by this post to represent the affair to the commander-in-chief and receive his orders. The General thinks it right to remind the Provost that he understands the soldier to have been taken into custody by an order of the Bailie in the Provost's absence, and that without any notice given to the officer of artillery, or the commanding officer of the town ; whereas they are usually applied to on such occasions, and the law directs that upon complaint made by the Civil Magistrate, the offender is to be given up for prosecution. The General does not dispute the right of the Civil Magistrate to apprehend any man within his jurisdiction, his own person not excepted ; but he cannot help observing that this peremptory manner of arresting soldiers without the commanding officer's knowledge is a breach of good manners, and destructive of that harmony which should subsist between the civil and military authorities.

To this communication Provost Crie sent a judicious reply, maintaining and defending his position. He informed the General that a process for any criminal matter is brought before the Judge Ordinary by a private person against anyone, whether civil or military ; it was not in the power of the Judge to refuse hearing and determining such process. In the present case the process brought before the Magistrates by Convener Buchan against Adam Hendry of the Royal Artillery for insulting him in the public street was of that nature. The Magistrates gave sentence after taking proof from both sides, and the officers of artillery were acquainted by the parties. No inferior Magistrate could reverse his own sentence after it had been extracted. The Provost was of opinion that the sentence against

Adam Hendry was founded in law, and was no inconsistent with or contrary to any clause in the Mutiny Act. No more was heard of this matter.

The following year the officers of General Wolfe's regiment were made burgesses at a supper in a local tavern, under the auspices of Provost Crie and John Robertson, Dean of Guild. Wolfe afterwards in 1759 became the famous hero of Quebec, where he fell mortally wounded while heroically leading his men to victory.

Before Quebec he charged the daring foe,  
And quick as lightning struck the fatal blow,  
By active valour made the day his own,  
And lived to see the numerous foe o'erthrown.

—*Lines on Wolfe.*

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In the history of the Oliphants there is a curious entry, under date 16th November, 1619. William Oliphant had a bitter feud with Edward Toshach, laird of Monzievaird, and he and some companions made an attack on Toshach, and killed him. David Malloch and Duncan Campbell, for assisting Toshach, were severely handled—the one having his hand cut off, and the other seriously hurt on the head. Oliphant was in the following terms summoned before the Lords: The 17th November is appointed to William Oliphant of Gask for his appearance before the Lords, to underlie the laws for the mutilating and dismembering of David Malloch. Notwithstanding the King's warrant, these are commanding you to continue the diet till 25th February, to allow Oliphant time for his defence—caution to be found for Oliphant's appearance that day, and dispense with caution for his not appearing at this diet. The matter appears to have been continued from one diet to another until 12th March, 1623, when John Oliphant appeared as procurator for William Oliphant with the King's warrant to the Lords of the Secret Council ordering the diet to be deserted.

## CHAPTER XXIII.

**Ancient streets and Market Booths—Address by Magistrates to George II.—Address by Magistrates to George III. on his Accession—The Banking Mania of Perth, 1793 : six local Banks started—Appointment of first Chamberlain of the Burgh—John Wesley made a Burgess—The New Bridge of 1764—Meal Riots of 1773—Address by Magistrates to George III.—American Rebellion—Insufficiency of St. John's Church and Erection of St. Paul's—Perth Political Societies of 1782—Ludicrous incident on the North Inch : Adjutant stripped and whipped by women—Foundation of the Perth Library and Museum—Foundation of the Gaelic Chapel—Raising of the 90th Regiment : Lord Breadalbane and the Fencibles—Death of the Tolbooth—Ecclesiastical Arrangements of the City : Deed of Disjunction and Erection ; Boundaries of the Four Parishes, and Confirmation by Court of Session—Official Position of Perth in the Roll of Burghs—Embodiment of the Perthshire Yeomanry—The French Prisoners and French Depot of 1812.**

UP to the middle of the eighteenth century, the principal streets were Highgate or High Street, in early times called Northgate, and Southgate or South Street. Each had a gate at the west end, which was taken down by the Magistrates in 1766. There was the Watergate, whose origin is not known, but which, in early times, had several lanes going down to the river ; the Skinnergate, the way of communication in ancient times between the Castle and St. John's Church, and which was the centre of the leather, hide, and skin trades ; the Speygate was taken down also in 1766. Much inconvenience began to be felt for

want of a public market. The Magistrates, on a representation of the matter, erected fifty booths at the west side of St. John's Church, which they let to fleshers and others who were freemen. For many a day this was a much-frequented part of the town. The blackfaced mutton of the Perth butchers got famous, and a thriving trade is said to have been done. The meal merchants had their booths on the east side of the Church. Houses in early times were generally built on the plan of having arched doorways and windows, but on the front wall there was a wooden projection about six feet wide. On the ground floor these were open, and were called channels, and here the goods were displayed. The Skinnergate was finished in this manner, and so close did it bring the fronts of the houses to each other that a shopman on the one side could, it is said, almost shake hands with the shopman on the other. Many of the old houses were a foot or more below the level of the street. The streets were not completely built upon. On the front of South Street a considerable part was lined by garden walls, as was also the west side of the Meal Vennel. Few of the shop windows had any glass, only a wooden grating. Self-contained houses were situated on the east side of the Watergate, between the street and the river. Outside stairs to the first flat were common. A great part of the buildings in closes was occupied by brewers, who kept public-houses and retailed their own ale. In the eighteenth century there is said to have been sixty houses of this description. The principal inns were the King's Arms at the foot of High Street; the inn in the Thistle Close, first entry above Skinnergate; the Salutation, so called from

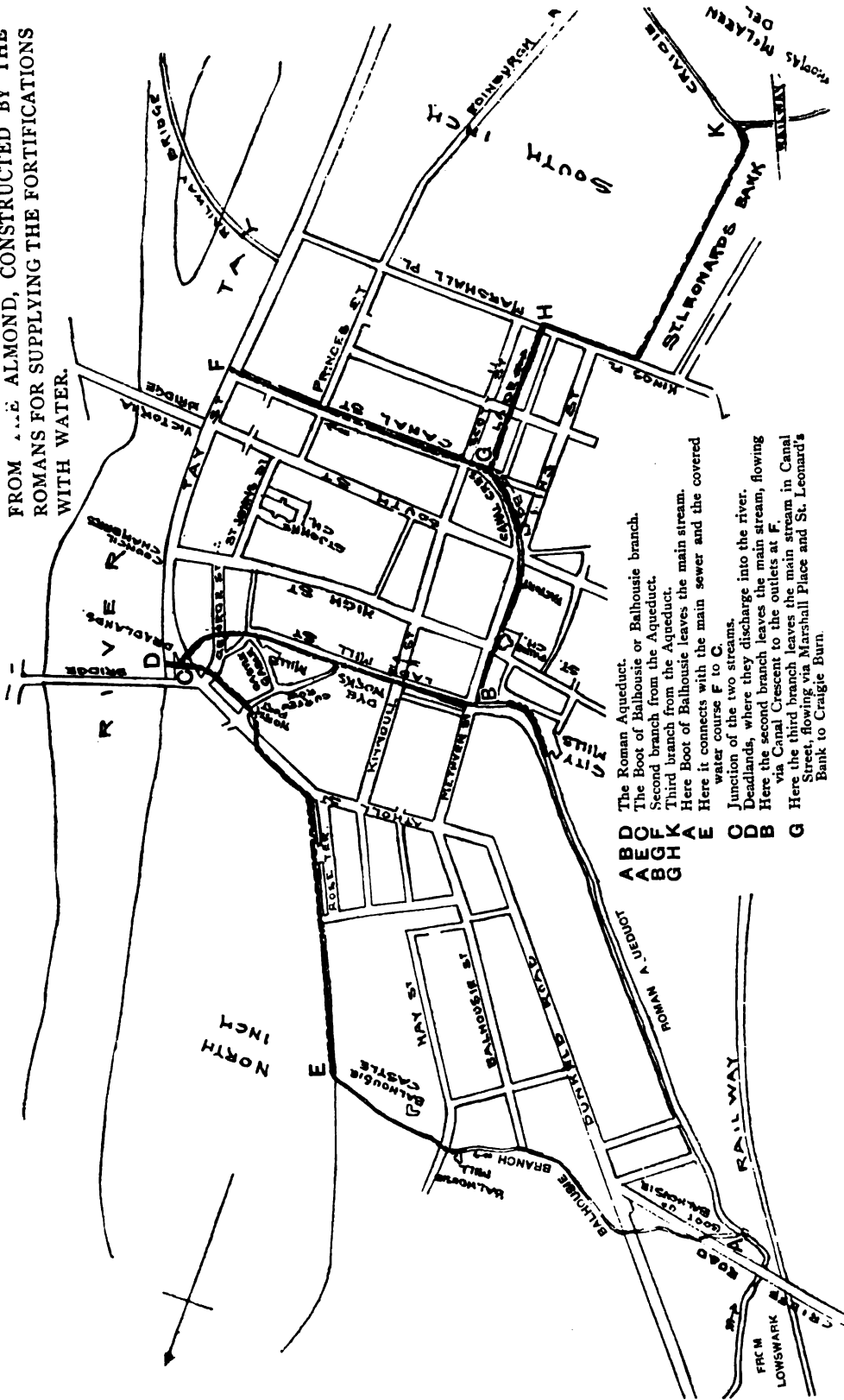


John Burt, the landlord, having shaken hands with Prince Charlie.

The ground on the west of the Church (the Flesh-market) was the old bowling green, and the whole ground in that locality now covered with streets was then occupied as garden and pleasure grounds, as was also Meikle College Yard in the same locality. The ancient wall extended from the top of Methven Street to High Street, where the port stood, with gates and bars; then on to South Street, with its port and gates; then down Canal Street to the Spey-gate, where there was another port. It is believed that the course of the Mill Lade marks the line of the ancient wall. At that time the lade was uncovered all the way from Methven Street to the Tay. We are informed that the more wealthy of the inhabitants in early times wore a huge wig with several rows of curls, a large toupet in front, the whole surrounded by a large cocked hat. They carried a pikestaff in their hand reaching to about a foot above their head, or a gold-headed cane of similar length, their shoes and knees sparkling with silver buckles.

Up to 1750 Perth retained its primitive appearance as a small, old-fashioned town. At that period Mill Street and Methven Street had only two or three houses. From that date, however, a spirit of enterprise would appear to have arisen in the Town Council, as improvement schemes of considerable magnitude were adopted and carried out. These included the formation of George Street and St. John Street, and various subsidiary streets, the removal of a great many old and useless buildings, and a fillip was given to the general enthusiasm for

PLAN SHOWING THE COURSE OF THE AQUEDUCT FROM BALBOA ALMOND, CONSTRUCTED BY THE ROMANS FOR SUPPLYING THE FORTIFICATIONS WITH WATER.



- A** The Roman Aqueduct.
- B** The Boet of Balhousie or Balhousie branch.
- C** Second branch from the Aqueduct.
- D** Third branch from the Aqueduct.
- E** Here Boet of Balhousie leaves the main stream.
- F** Here it connects with the main sewer and the covered water course **F** to **C**.
- G** Junction of the two streams.
- H** Deadlands, where they discharge into the river.
- I** Here the second branch leaves the main stream, flowing via Canal Crescent to the outlets at **F**.
- J** Here the third branch leaves the main stream in Canal Street, flowing via Marshall Place and St. Leonard's Bank to Craigie Burn.



the extension of the town, and its better and more ornate embellishment. These improvements were evidently carried out under the Provostship of William and John Stuart and Alexander Simpson. The new century opened with Thomas Hay Marshall as Provost, a citizen who was very popular, and who devoted much of his time to the welfare of the people. At the erection of the Seminaries in Rose Terrace in 1814, he gave the site free as his contribution, and this is recorded as being worth £500. The citizens afterwards (in 1824) erected by subscription a handsome monument in George Street to Provost Marshall's memory to commemorate his public services. The monument is circular in form (with Marshall's bust recently added), surmounted by a dome, and is the domicile of the Perth Library founded by him, and of the Perth Literary and Antiquarian Society's Rooms and Museum.

In the eighteenth century the rules which governed the municipal elections were very strictly enforced. The Town Clerk, Mr. George A. Miller, was obliged to give a formal undertaking that he was above suspicion. The following is the oath subscribed by that official in 1754 :—

I, George Miller, solemnly swear that I have not directly or indirectly by way of loan or other device received any sum or sums of money, office, place, employment, gratuity or reward, or any bond, bill or note, or any promise of any sums of money whatsoever either by myself or any other for my use or benefit to make out any commission for choosing a burgess. And that I will duly make out a commission to the commissioner who shall be chosen by the majority of the Town Council, and to no other person. So help me God.<sup>1</sup>

<sup>1</sup> The leading solicitors in Perth in the eighteenth century were the family of Miller, three generations of whom held the

In 1756 George II. declared war against the French King, and on that occasion the Magistrates and Town Council of Perth presented him with the following address:—

We, your Majesty's most dutiful and loyal subjects, are deeply sensible of the insults and injuries your Majesty has received by the treacherous encroachments and invasions made by the French king upon your Majesty's dominions both in Europe and America, and by the apparent insolent attempts of that king to invade even your kingdoms of Britain and Ireland, in open violation of the most solemn treaties betwixt the two crowns. And we do with hearts full of loyalty and zeal for your Majesty's sacred person and government express our cheerful and humble approbation of your Majesty declaring war against the French king: and as it shall be our daily ardent prayer to the most high God to grant success to your Majesty's arms by sea and land in the vigorous prosecution of that most just, lawful and necessary war, so we do hereby heartily and willingly offer to serve your Majesty with our lives and fortunes in so glorious a cause as is the vindication of your Majesty's honour and the just rights of your crown.

Signed in our name and by our appointment by  
JOHN ROBERTSON of Tulliebelton, *Provost of Perth*.

In 1760, on the accession of George III., the Magistrates and Council sent the following address on the auspicious occasion:—

We, your Majesty's most dutiful and loyal subjects the Magistrates and Town Council of Perth, in Common Council assembled, most humbly beg leave to condole with your Majesty on the death of our office of Town Clerk, and rendered honourable and effective services in the management of the town's business. The family are still eminent members of the legal profession, being represented to-day by Mr. George A. Miller and Mr. J. G. Miller, W.S., Perth.

late glorious sovereign under whose auspicious reign we enjoyed many great and valuable blessings and that true British liberty which was confirmed to us by the accession of your Majesty's illustrious House to the Imperial Crown of these realms. At the same time it is with the highest joy and pleasure that we see your sacred Majesty succeed to the throne of your native country, and having the fullest confidence in your regard to the happy constitution of Britain we with the warmest affection offer our congratulations on this occasion: and pray that the Almighty may bless your Majesty with a long and prosperous reign and with wisdom to bring the present necessary war to such conclusion as may give distinguishing lustre to your Majesty's councils, stability to your wide extended dominions and security and happiness to your people in every quarter of the world.

Signed in our name and by our appointment at Perth, 17th November, 1760.

It is evident that some of the Magistrates in the summer of 1763 were in England on holiday, for among the archives of the burgh we find the following interesting piece of information, the list of toasts drunk at Aylesbury on 4th June, 1763, the anniversary of the birthday of George III. :—

The King and Queen, the Prince of Wales, and the rest of the Royal Family.

The King of Prussia, Prince Ferdinand of Brunswick.

The Hereditary Prince and the most amiable Princess in Europe.

May his Majesty be universally respected, and his weak ministers detected and detested.

A capable administration: freedom of speech within doors, and freedom of the press without.

May no house be safer than a man's own house.

May English triumph over Scottish favouritism.

May English forces preserve their own rights and those of the Constitution.

The Whigs of Scotland and Ireland.

Mr. Pitt at the head of the Whigs.

The late Lord-Lieutenant and all friends of the liberties of England.

We now come to the appointment of the first Chamberlain of the burgh, an office of considerable importance, and one that was called for by the increased prosperity and importance of the burgh and the growth of the population. Hitherto the office had been undertaken by one of the councillors, but from the following ordinance it is evident that considerable irregularities had crept in under this arrangement :—

The Magistrates and Town Council taking into consideration the loss the community sustains by different persons being chosen town treasurer annually whereby they have no opportunity of acquiring such knowledge of the town's affairs as seems necessary for discharging that office in a proper manner; and considering that the business of the office has of late years so much increased and become so intricate and perplexed that it requires much more attendance than can be expected any treasurer will allow for it; and further, considering the many inconveniences the Magistrates are laid under for want of money to carry on the public work by reason that the treasurers do not uplift the town's revenue in proper time, and frequently neglect to prosecute the town's tacksmen and their other debtors till long after the tack duties and other sums have fallen due, whereby the town's affairs are kept in such confusion that the administration can obtain no distinct knowledge of them nor prevent the inconveniences that follow. It has been resolved that the person who shall be elected town treasurer in time to come shall have no intromissions with the town's common good and other sums of money that are or shall fall due to the community, nor disburse any money on their account after the term of Martinmas next, when the present treasurer's term of office expires; nor shall he act in any other capacity than as one of the Magistrates in overseeing and regulating the police of the burgh and in managing the affairs of the town. The Town Council shall

from time to time, as they shall find it necessary, elect and choose a fit person to be chamberlain and factor from and after Martinmas next, with power to him to intromit, and uplift and receive the yearly revenue or common good of the burgh, and all other sums and arrears due and payable to the community, and to apply the same in payment of the yearly stipends, salaries and annual rents due by the town, and otherwise as the Magistrates and Town Council shall direct : subject always to such rules and regulations as they shall prescribe. The person so elected shall carry on his account from Martinmas to Martinmas yearly, and shall make just count reckoning and payment of his intromissions at any time when required by the Town Council ; and particularly shall, on or before the first day of January each year, prepare and lay before the Town Council the charge and discharge of the preceding year in order that the same may be audited. The Chamberlain before entering on duty shall find caution for the due discharge of the duties of the office, and shall be allowed a yearly salary of thirty pounds and no other allowance or perquisites whatever.

The first Chamberlain appointed was Patrick Miller, writer, whose administration of the office was in the highest degree satisfactory.

There does not seem to have been any bankers in Perth before the eighteenth century. The Joint Banking Company of Perth was founded in 1763. This bank issued notes bearing the city arms and signed John Stewart & Co. The office was in Newrow. The Tannerie Banking Company, founded in 1764, had a note issue—emblem, the oak tree. These were signed Stewart, Richardson & Co. The office was in Curfew Wynd. The same year was started Blacklaw, Wedderspoon and Company's Bank with note issue—emblem, thistle and crown ; office in High Street. There was also M'Keith, Rintoul and



Company's Bank with note issue — emblem, the king's hand ; office in High Street. Bruce's Bank with note issue—emblem, Bruce's crest and motto ; office in Kirkgate. Craigie Banking Company with note issue, signed John Ramsay & Co. ; office in High Street. This bank mania, for it can be called nothing else, lasted for the short period of three years, and resulted in the whole of these being amalgamated, and thereafter trading as the Perth United Banking Co. This new bank was founded in March, 1766, with a capital of £32,000 in shares of £100 each. No shareholder was allowed to hold more than six shares. The capital was afterwards advanced to £50,000. In opposition to this bank another was started on 1st January, 1767, called the General Bank of Perth, but failed to get support, and discontinued business. The Perth United Bank, on the expiration of its contract in 1788, ceased to exist, and a new bank was formed called the Perth Banking Company, its shares being £100 each. This bank had a prosperous career, but on the expiry of its contract in 1808 it also ceased to exist. In 1810 the Union Bank of Perth was formed, its shares being £500 each. The small number of partners restricted the business, and it came to an end after twenty-six years of prosperity. Then came the Perth Bank and the Central Bank of Scotland, both prosperous concerns. The former was eventually bought up by the Union Bank, and the latter by the Bank of Scotland.

The history of printing in Perth opens with the publication of a book on the Inquisition, entitled "The Bloody Tribunal." It bears the date of 1770, and the publisher, G. Johnston, takes credit for

establishing a printing office in the town, and mentions that a paper manufactory in the neighbourhood had also been set going.

Shortly afterwards the family of Morison, whose descendants still worthily represent that honoured name in Perth, established a large printing and publishing house. The list of their books is long and interesting; indeed, in June, 1794, Mr. James Morison wrote that in the previous six months he had printed 14,000 volumes, a wonderful record for the time. It would lead us into technical details to follow the fortunes of this business, and to record the development of the trade, which has grown to such importance in later years. Still, some mention of Mr. David Morison cannot be omitted, especially in reference to his encyclopædic learning and wide interests. The "Encyclopædia Perthensis," in 23 volumes, was but one of his ventures, but the most memorable of his publications were, perhaps, the catalogues of the pictures and books in Kinfauns Castle. These catalogues were elaborately illustrated and embellished, and give a good idea of the furnishings of the library and picture gallery of a nobleman of wealth and culture at that time. Sir Walter Scott wrote to Mr. David Morison congratulating him on the beauty and completeness of his productions. We have had occasion to examine a catalogue of the library of Mr. W. Stewart of Spoutwells, prepared by the same indefatigable worker, and it is difficult to decide which most to admire—the collector or the catalogue. It is wonderful that a library so representative of the literature of the day should have been found in a small manor house, and still more wonderful that a

country bookseller should have been found to set forth its contents so exactly and minutely.

After the bank mania, the Magistrates and Council agreed to join the county in an application to Parliament for power to build a bridge and to levy reasonable tolls upon the same, and to borrow money on the security of these tolls with powers and provisions for carrying the work effectually into execution. The Magistrates empowered the treasurer to pay such sums out of the common good as might be agreed on, for the expense of the bill. They also offered to let for one or more years the ferry or passage over the Tay at Perth, and from time to time, until the bridge be finished and available for traffic; and to assign the yearly tack duty of the ferry to the trustees of the bridge to be applied for the purposes of the act. They likewise agreed that if the building of the bridge be discontinued before it is finished, or if it should fall or otherwise become impassable, the Magistrates would let the ferry, and assign the tack duty to the trustees of the bridge to be applied proportionally towards payment of the sums which have been borrowed until the principal has with interest been repaid; the tolls of the ferry not to be diminished or made less than they then were, to the prejudice of the creditors or the tack duties.

No serious question arose in the burgh after this until in 1772, when the Magistrates conferred the freedom of the city on John Wesley, an act which was greatly approved of at the time. In Wesley's Journal it is interesting to notice his association with the Fair City. He was evidently very proud of this connection. The following entry appears in his diary under date 28th April, 1772:—

In the evening I preached once more in Perth to a large and serious congregation. Afterwards they did me an honour I never thought of—presented me with the freedom of the city. The diploma ran thus:—“The illustrious order of Magistrates and the honourable Court of Senators of the famous city of Perth, as a proof of their well-merited esteem and affection for John Wesley, Master of Arts, late Fellow of Lincoln College in Oxford, have invested him with the immunities of the above-mentioned city, and with the privileges of the society and brotherhood of a burgess.” The diploma was struck off from a copper plate upon parchment; the arms of the city and some of the words were illuminated, and flowers painted round the borders, which gave it an artistic appearance.

In 1774 Wesley again visited Perth, and his opinion of the people is graphically expressed in the following entry taken from his diary:—

Preached in the evening to a large congregation, but I could not find the way to their hearts. The generality of the people here are so wise that they need no more religion! Who can warn them that are brimful of wisdom and goodness to flee from the wrath to come?

THE MEAL RIOTS OF 1772-3.

*Proclamation by the Magistrates of Perth.*

Whereas there is at present a great scarcity of meal in the town, and in order that the inhabitants may be speedily supplied the Magistrates entreat the gentlemen and farmers in the country to bring to the town such quantities of meal as they can spare to be sold in the public market-place, and the Magistrates hereby engage to give them all protection and encouragement. Given at Perth the 3rd December, 1772.

WILLIAM STEWART, *Provost.*

On 30th December, 1772, betwixt nine and ten o'clock p.m., a number of people of both sexes gathered together and went to the new shore of Perth, where a sloop lay taking in bere. They went on board and carried off about 400 bolls. The Magistrates took every means to disperse them, but in vain, until the military were called out and they dispersed. At three o'clock the following morning, the same persons broke open the shop of John Scott, baker, and carried off meal, flour, and bread to a considerable value. The same night a mob unloaded a vessel at Newburgh having a cargo of bere and wheat.

On Monday, 4th January, 1773, several hundred people of both sexes met in a riotous manner in Dundee and carried off from the Park House about 400 bolls of wheat and barley. They then proceeded to a ship lying in the harbour, from which they carried off a considerable quantity of victual. They likewise broke open two cellars, out of which they took a great quantity of potatoes. The Magistrates read the Riot Act and used every means in their power to disperse them, but in vain.

The meal mob assembled in Perth on the following night in order to rescue two of their number who were in prison. The Magistrates called on the military for assistance. The mob pelted the soldiers with stones. The Riot Act was read, but the mob still increased, and rather than order the soldiers to fire, the Provost ordered them to withdraw, and he delivered up the two prisoners. The mob then proceeded to the house of John Donaldson, corn factor at Elcho, where they behaved riotously, breaking down and destroying

everything they could come at, after which they took away the keys of his granaries and delivered them to the Sheriff-substitute with orders to bring the corn to Perth and have it immediately ground into meal. Mr. Donaldson saved this trouble by sending on the grain himself next morning. In a day or two the rioters assembled again and went to the house of Mr. Blair of Balthayock, when the servants in Blair's absence gave them up the keys of the granaries, and finding no victual but what was for Mr. Blair's family use they retired without doing any harm. Some days after, a mob proceeded from Dundee to Mr. Mylne's of Mylnefield, and behaved in the most lawless manner, plundering and breaking everything they could not carry off. A number of Carse people came to protect the family, when a servant of Lord Gray was severely wounded; sixteen of the rioters were cleverly apprehended by farmers and brought into Perth next morning between nine and ten, bound in two carts, when the military took them to Edinburgh. It would further appear that Colonel Duncan of Lundin, with a party of thirty farmers on horseback, resolved to attack the rioters, and at the head of this party with whips and sticks made his way several times through them, many of them loaded with plunder. The mob soon disappeared, when the Colonel and his party succeeded in seizing sixteen of them. The original cause of these riots is said to have been the want of meal in Perth market for ten days preceding the first mob.<sup>1</sup>

There were three notables who championed these riots, James Wilson, a barber, a tall, gaunt-looking

<sup>1</sup> Perth Magazine, 1773.

individual, with a wig and cocked hat, and shoes often without soles. Wilson had plenty of impudence, a good deal of wit, and dabbled in poetry. He also did some business in illegal marriages, saving the parties the expense of a journey to Edinburgh, or to the notorious whins of Falkland. The second champion was Blair Flight, a watchmaker, and capable of any mean action. Like Wilson, he also did some business in illegal marriages, for which he was occasionally apprehended. Blair's exhortations on these occasions were original and sarcastic. The third champion was Niel Keiller, a little man with a big soul. He was a weaver to trade, and a most loquacious speaker who never knew when to stop. These men had no difficulty in getting up a mob. On one occasion a great mob assembled in the town, and were proceeding to such extremities that the Magistrates had again to call out the military. Then a couple of field pieces charged with grape shot were placed in front of the Council chambers. The soldiers were drawn up before the guns, and receiving showers of stones from the multitude, they charged them up the High Street, and dispersed them. The mob, going round by what is now Charlotte Street, rallied, and the military charged them again in the direction of the North Inch and dispersed them. A third time the mob rallied, but the Provost interfered, and persuaded them to go to their homes. This seems to have terminated the matter.

In 1775 a Rebellion broke out in the British possessions in America, when the Magistrates and Council sent the following address to George III. :—

We, your Majesty's most dutiful and loyal subjects, the Provost, Magistrates and Town Council of Perth in Common Council assembled, under no influence but the dictates of our own loyalty and affection, beg leave to approach your Royal presence and to declare our abhorrence of the Rebellion in your American Colonies excited by designing men, and we are sorry to add, encouraged by too many at home against their most indulgent sovereign and the Supreme Legislature of the British Empire, under whose protection our liberties both civil and religious have long been uninterruptedly enjoyed and can only in future subsist.

With hearts full of gratitude for these blessings, we are ready on every occasion to assist your Majesty to the utmost of our power in subjecting your rebellious subjects to the obedience they owe their lawful sovereign and both Houses of Parliament, and pray that Almighty God may long preserve your Majesty and direct your Councils to maintain our happy constitution and defeat the traitorous machinations of all your enemies, foreign and domestic designers against your sacred person and government.

Signed in our name and by our appointment at Perth, 1st November, 1775.

ALEXANDER SIMSON, *Provost.*

The increase in the population was rapidly going on, and included the accession to the town of many outside families, who were attracted from various causes, and very probably for education to their young people. The Perth Grammar School at that date had a high reputation as a seat of learning. One of the results of this state of affairs was that the seats in St. John's Church became insufficient for accommodating the people. The Kirk Session gave earnest attention to this matter, and did everything in their power to meet the case. It is of interest to notice the representation made by them



to the Magistrates after they had investigated the matter:—

It would appear from the returns that the seats wanted amounted to 1,683 sittings. Besides this, the scholars of the Grammar School and the Academy were unprovided for, which was a loss to the young people and discouraging to parents who sent their children to town to be educated. The Session represented the vast injury which multitudes must be sustaining by not attending divine worship, while many were obliged to stay at home, or go to congregations of Dissenters, or at best exchange a part of the day with others of their family, who thereby in their turn must stay at home, while many others, by being out of the way, contracted an indifference for religion and fell into vicious practices of spending the Sabbath in idleness and profanity. The Session expressed the hope that the Magistrates and Council would consider the matter, and afford redress by ordering commodious seats and lofts to be built in the East Church, and thus render it capable of containing a greater number than it had formerly done. The Magistrates did what they could to meet this emergency, but they were obliged eventually to consider a proposal for the erection of another church (St. Paul's Church), which proposal came before them the following year:—

The representation to the Magistrates and Council of the Kirk Session of Perth and those subscribing being inhabitants and burgesses and subscribers for building a new church (St. Paul's), have for some time past been put to great inconvenience by not being accommodated with seats in the churches, and although the Council resolved to seat the East Church, yet the subscribers, fully convinced of the

necessity for a new church, have proceeded so far as to open subscriptions, and have obtained a considerable sum. They suggest as a site for the building among others that belonging to the town, and occupied by James Scott, as a commodious situation. As this scheme is meant for the benefit of the community, the subscribers hope the Council will resolve to feu to the Kirk Session, and such others as may be chosen managers, as much ground as may be sufficient for the building at a reasonable feu-duty, to be entered upon immediately, and they entreat the Council for an immediate answer. (Here follows list of signatures.)

After these proceedings, the citizens began to interest themselves in burgh and parliamentary reform, and a society was formed, called the Perth Society of Parliamentary Reform; another society called the Friends of the People (likewise political) was also formed, when resolutions and hand-bills were constantly being placarded on the walls. One resolution was: "That as Providence had given every man his calling, he had a right to exercise it to the best advantage, independent of exclusive privileges." This was proposed in the Guild Hall, when one of the audience, Deacon Martin, in an excited state exclaimed:—"Having hitherto maintained their exclusive privileges, they would defend them still with the last drop of their blood." After this a society called United Scotsmen was started. Its ostensible object was universal suffrage and annual parliaments, but its ulterior object was republicanism. From all accounts, this society was extensively patronised, and spread over all Scotland, its annual meetings being held in Edinburgh. At a meeting of the Relief Church several of the clergy took a prominent part. One of the audience used

the word reform, when a minister immediately got up and excitedly said :—"Reform, reform indeed ; public opinion was a hundred miles before reform. That was like pursuing a hare when it was behind. A revolution, and nothing but a revolution, would ever satisfy the country, and they were determined to bring it about." One of those ministers made constant reference to the subject from his pulpit, holding up the French as an example of public virtue and patriotism. War had commenced between France and Austria ; he prayed for the success of the former, and that they might drink the blood of their enemies.<sup>1</sup>

Compulsory enlistment of soldiers was carried on to a considerable extent, which resulted in much bad blood between the inhabitants and the military. Those who were compelled to join the regiments were treated with cruelty. One illustration will suffice. About 1782, when George Faichney was Provost, a wright of the name of Gardiner was employed to construct a machine which, by a series of screws, was to force straight what nature, age, and ill-usage, had made crooked. . . . One forenoon the neighbourhood was alarmed by dreadful screams proceeding from the orderly room. Immediately a mob assembled, disarmed the guard, and forced open the door. It was found that one poor creature had undergone the rack, another was fixed on the engine, and a third in agony awaited his fate. The commanding officer ordered the drums to beat to arms, and the officers, in attempting to rally the men, were attacked individually with sticks and stones, and handled very unmercifully. The prisoners were

<sup>1</sup> Penny.

liberated, and the screws brought out and burned at the Cross. The fury of the mob was then turned against Gardiner; everything in his shop was destroyed, and he only escaped by getting out at a back window. Another remarkable event occurred that year, when the people again took the law into their own hands. It occurred on the North Inch, and certainly was a ludicrous incident. A decent married man, having a wife and four children, in poor circumstances, was detected helping himself to a few potatoes in a potato field. He was tried by court-martial and sentenced to 500 lashes, after which he was taken to the North Inch to receive his punishment, and a mob had gathered on the spot. His wife and children appeared before the commanding officer to request a mitigation of the punishment, but the officer was deaf to the request. The lash proceeded. He bore the first 25 bravely, but the second 25 being inflicted by a left-handed drummer had the effect of tearing up the skin at every lash, and the unfortunate man was unable to endure the agony. His wife, setting down her child, rushed through the ranks and held the drummer's arm. She was seized and dragged forth, screaming, and the punishment resumed. This was the signal for the charwomen, who, with their laps full of stones, stoned the soldiers, and, backed by the multitude, broke through the line, drove the officers from the circle and released the prisoner. The moment the prisoner was untied from the halberts a general attack was made upon the officers. The adjutant was secured, and got a terrible thrashing from the women, who laid him down on his face, in which position he was held by the crowd till he had got a substantial

flogging, the women taking off his nether garments. In this way he was made to appreciate the cruelty he had meted out to the unfortunate man, and the women in parting with him expressed the hope that he would remember this incident, and that he would profit by it.

In 1786 the Perth Library was established, its object being to encourage literature and culture in the community. It was considered of great importance to have a public library, under proper regulations. The institution was to be the property of the subscribers and to be conveyed by them in trust to the following gentlemen and their successors in office:—Peers of Parliament resident in the county; the members for the City and County; the Provost and Magistrates, Dean of Guild, Treasurer and Convener of the Trades; the Ministers of the City; Moderator of Presbytery, Sheriff and Sheriff-substitute; Sheriff and Town Clerk; headmasters of the Academy and of the Grammar School. The curators were to have sole charge of the library, subject to the control of the general meetings, and to purchase books only as far as funds in hand were sufficient. When a volume was lost the subscriber must replace it or pay its value, and until he do so he would not be allowed to take any more books. If these salutary regulations had been attended to during the nineteenth century, the library at this date would have been in possession of many valuable books and MSS. which have been taken away by careless subscribers and never returned.

In 1788 the Gaelic Church was erected in the burgh for the benefit of the Highlanders, who at that period formed a considerable section of the

community. The service was to be conducted in Gaelic. Passing on to 1798, it would appear that the Kirk Session of that date had reason to be dissatisfied with the conduct of the people on Sunday. Evidently the churches were not so well attended as was expected, and those who stayed away paraded the streets. The Session in these circumstances authorised visitors to go round the town on Sunday during divine service to preserve decency and good order, and they applied to the Magistrates for one or two constables to accompany them. This was a very proper proceeding and greatly improved the amenity of the burgh for the time.

In the same year a small body of Congregationalists, desirous of having a place of worship of their own, bought a little chapel in Thimblerow, originally called the "cap-out" kirk. It is said that when this chapel was being erected, and on the occasion of the laying of the foundation stone, the usual ceremony of the "founding pint" was observed. The workmen employed drank from wooden vessels called "caups," and each drank their "caup out" or drained their vessel, to the success of the building, and the chapel was therefore named the "cap-out" kirk. This is what was known afterwards as Paul Street Chapel. The "cap-outs" will be found described more fully in a local publication.<sup>1</sup>

LORD BREADALBANE AND THE FENCIBLES.

RAISING OF THE 90TH REGIMENT.

About the end of the eighteenth century there was an extraordinary demand for men for both army and navy. The town of Perth undertook to raise a

<sup>1</sup> Sketch of the Congregational Church.

body of men for Admiral Keith Elphinstone, while the Earl of Breadalbane obtained a warrant to raise two battalions of Fencibles. Three hundred of his tenants soon marched into Perth in a body, and are said to have exhibited the finest specimens of men that could anywhere be found. On one occasion one of the battalions had not received its arrears of pay. On the morning on which it was to march the regiment was drawn up in front of the George Hotel. When ordered to shoulder arms each man stood immovable. The order was repeated, but not a man stirred. On asking an explanation, the commanding officer was informed that not having received their arrears of pay they were resolved not to leave the place. Eventually they agreed to march, on the officer undertaking to pay them up. Shortly after this, Lord Lynedoch<sup>1</sup> received a warrant to raise and embody a regiment to be called the 90th or Perthshire Regiment. In a few weeks it numbered 1,500. The men for a time dined on the North Inch. It is recorded that entire oxen were roasted on these occasions and London stout supplied in hogsheads, the regiment being seated on the grass in fifties, and a plentiful supply of meat and drink served to each. The regiment had a distinguished career, and a memorial fountain was in 1896 erected in its honour on the North Inch, and unveiled by Lord Wolseley, the commander-in-chief of the forces at the time.

When this regiment was a body of gentlemen volunteers, consisting of three companies of sixty each, it was enrolled with Captain Jelf Sharp of Kincarrathie as commanding officer. A fourth

<sup>1</sup> Graham of Balgowan.

company was afterwards raised. The men agreed to serve without pay and to clothe themselves, each member to pay a guinea and a half of entry money. The Government eventually agreed to two days' pay weekly. The uniform consisted of a long superfine blue coat, skirt bound with white, red neck and cuffs, and gold bead button-holes at neck and sleeves, white cashmere vest and trousers, long black gaiters, a round hat and white feather. These volunteers were afterwards called out to quell riots.

In 1804 the old Tolbooth was in a state of irremediable decay, and to all intents and purposes practically done. We are without a photograph of this wonderful old building so much associated in early times with the life of the burgh, nor have we any record of its first erection. The matter of a new Tolbooth or county prison was taken up by the Commissioners of Supply for the county, who presented a petition to the House of Commons in the following terms :—

Perth is one of the assize towns of Scotland where the Lords of Justiciary attend twice a year for the trial of criminals. The Tolbooth of Perth is in a ruinous state and not of sufficient strength to confine with security the felons and other criminals and debtors, and is too small and incommodious to enable them to be supplied with wholesome air. It will be necessary to take down and rebuild the same. There is not in Perth any proper Court Room for the judges in circuit nor any Court Room for the Sheriff Depute for the ordinary business of this populous and widely extended county, nor any Town Hall for the local Magistrates, nor any safe or proper place for preserving the Records of the town and county. It would be important if a proper Bridewell or House of Correction were built adjoining the gaol and maintained under proper regulations for the



employment and punishment of thieves and vagrants and others.

This request was eventually granted, but after the lapse of several years. In 1810 the Perthshire Yeomanry were embodied by the Earl of Kinnoull, and usually assembled at Dupplin Castle. When they and the volunteers appeared together, the Countess appeared bearing a standard in each hand, and after a salute from both, the band advanced playing the Highland March, followed by the Countess and forty ladies by twos all dressed in white muslin. They were followed by gentlemen in uniform in the same order. The whole then marched round the park, where took place the consecration of colours by the chaplain, and the standards presented to the officers by the Countess, who delivered a short address. There was also a company of sharpshooters enrolled under Provost Caw, but as they never made their appearance they were called Captain Caw's Invisible Riflemen. The four battalions of local militia, with the regular militia 1,200 strong, and yeomanry and artillery, formed altogether a very respectable force.

#### THE ANCIENT CAPITAL AND ITS ECCLESIASTICAL OBLIGATIONS.

The steady growth of the population after the Reformation of 1559 made it necessary at the close of the eighteenth century to reconsider and reconstruct the entire ecclesiastical arrangements of the burgh. The Town Council from time immemorial have been patrons and *ex officio* owners of the fabric of St. John's, and since 1560 the responsible authority

for the payment of the minister's stipend. It was now their duty, in conjunction with the Presbytery of Perth, to formulate a scheme for the future administration of the churches under their control, such a scheme as would be for the welfare of the ministers and people. This was a matter of great importance to the town, and one that demanded serious consideration. Accordingly in 1807 a comprehensive scheme, which is still in operation, was duly considered and approved by all parties, and in ordinary course received the sanction of the Court of Session. This deed is entitled, "The Decreet of Disjunction and Erection 1807," and we give the following abridgment of it:—

*At Edinburgh, the 11th March, 1807.*—Anent the summons and act of Disjunction and Erection raised before the Lords of Council and Session at the instance of the Magistrates and Town Council of Perth against the Earl of Kinnoull and several others: the which summons maketh mention that by the 13th Act of the Second Session of the first Parliament of William and Mary power was granted to the Lords and others of the Commission appointed for plantation of kirks and valuation of teinds to disjoin two larger parishes, to erect and build new churches as they see cause. By the 9th Act of the Parliament holden in 1707 the Lords of Council and Session were authorised to judge and determine in all affairs and causes which were formerly referred to the Commissioners. But providing always that no erection or disjunction should be carried on without the consent of the heritors to the extent of three-fourths of the valued rent of the parishes to be disjoined or erected. That the City of Perth having a considerable landward district in one parish, has now become too populous for one or two persons to exercise the ministerial functions to the inhabitants. That the cure of the said burgh and parish had for some time been served by two ministers, Mr. James Scott

and Mr. James Moody, and an ordained assistant. That on the 2nd day of June last the pursuers resolved by Act of Council to settle an additional minister in the burgh to preach in St. Paul's Church and be provided with a competent stipend out of the revenue of the burgh, which was fixed at £200 sterling per annum. At a subsequent meeting on the 1st December, 1806, it was judged necessary to place a further minister in the burgh, whereby there would be four Established Church ministers instead of two as formerly ; and to divide the burgh into parishes and assign a separate charge to each minister. The Magistrates and Council agreed that the burgh be divided into four parishes, and that there be one minister for each, the churches and parishes to have all the rights and privileges as any other parish in Scotland. It would not be competent for these parishes to distribute the church door collections within their own hands. The Sessions of the four parishes would meet together as a General Session and distribute their collections and all other funds of which they have the management amongst the poor of the burgh and parishes. The Magistrates and Council did by the said Act of Council resolve and agree that the parsonage teinds of the parish, consisting of 300 bolls of victual, whereof a certain portion as stated in the deed shall be paid equally between the ministers of the East and Middle Churches ; and the vicarage teinds of £7 8s. 10d. two-thirds shall be paid to the minister of the East Church and his successors, and over and above the teinds paid to Messrs. Scott and Moody the Council by the said Act granted and allocated to each of them and their successors in the East and Middle Churches the sum of £80 sterling yearly, thereby making the stipend of each £200 per annum. With regard to the ministers to be settled in the West Church and in St. Paul's Church, the Council granted and allocated to each of them a yearly stipend of £200 sterling, which with the additional sum settled on the East and Middle Churches is to be paid out of the ordinary revenue of the burgh at the terms of Whitsunday and Martinmas by equal portions. Reserving to the Magistrates and Council as repre-

senting the community the sole right of patronage in these churches, also the right and property of the churches with the absolute power of setting and disposing of the seats therein, and of the vacant stipends of the same ; also naming precentors thereto. The establishment of stipends to all the ministers shall preclude all future claims to manses and glebes. The said Act of Council is declared to be binding on the Magistrates and Council and their successors in office without prejudice to the ministers receiving such additional stipends as the Magistrates and Council shall be pleased to give them. The pursuers have not only obtained the concurrence required by law of three-fourths of the landward heritors, but the said Act of Council having been submitted to, and considered by the Presbytery of Perth, they by their minute of 3rd December last did unanimously concur with and give their sanction thereto. The East Church parish to comprehend the whole landward part of the present parish and also those parts of the burgh lands not included in the three parishes after described. The Middle parish to comprehend that part of the burgh bounded by the Tay on the east, by the south side of High Street on the north, the east side of Methven Street on the west, and the north side of South Street on the south. The south side of High Street, east side of Methven Street, and north side of South Street (and north) being included in this parish. The West Church to be bounded by the Tay on the east, by the south side of South Street up to Methven Street and from thence to the south end of Newrow on the north, and from the south end of Newrow along Leonard Causeway to the bridge over Craigie burn and down the course of Craigie burn to the Tay on the west and south, the south side of South Street, south side of street opposite King James VI. Hospital, and east side of Leonard Causeway being included in this parish. St. Paul's parish to be bounded by the Tay on the east, by the north side of High Street up to Methven Street on the south, by the east side of Methven Street to the boundary of the royalty near the bridge over the lade, and from thence along the line bounding the royalty down to the Tay on the north and west ; the north side of High Street, east

side of Methven Street and all the houses within the royalty boundary above described to belong to this parish. The said Lords ought and should ordain the inhabitants of these four parishes to repair to their several churches above mentioned as to their own proper parish church for the hearing of the Word, receiving of the Sacraments, etc. The pursuers have now and in all time coming the sole right of patronage of the churches as well as of those which may afterwards be built within the burgh, and of disposing of said churches and pews thereof and bonds within the same, uplifting rents of said pews and appointing readers and precentors from time to time as they shall see fit; and of disposing as they shall think proper during any vacancy the funds which shall be provided and vacant stipends according to law and practice in such cases. The pursuers and their successors in office shall be bound and obliged to defray the expense of erecting and building the said churches, and keeping the same in good repair. The said Lords ought and should ratify and confirm the aforesaid division and allocation of teinds of the parish agreed to by the pursuers, and decern and ordain that the parsonage teinds of the parish shall continue to be paid as heretofore equally to Messrs. Scott and Moody, and afterwards to be equally divided between their successors the ministers of the East and Middle Churches and parishes thereto annexed; and the vicarage teinds amounting to £7 8s. 10d. shall be wholly paid to the minister of the East Church and his successors. The pursuers and their successors in office shall pay yearly to the ministers of the East and Middle Churches the sum of £80 sterling, thereby making the stipend of each equal to £200 per annum; also to pay to each of the ministers of the West and St. Paul's Churches and their successors in office a yearly stipend of £200 per annum, which with the additional sum settled on the ministers of the East and Middle Churches, shall be paid out of the ordinary revenue of the burgh at the terms of Whitsunday and Martinmas. It being declared that the stipends to all the ministers shall include future claims to manses or glebes; and further to

provide and furnish Communion elements for the said four churches, to be furnished or paid for out of the funds of the burgh, and that over and above the stipends before specified, the two new or additional ministers and their successors in office to be received into and considered as members of the Presbytery of Perth.

At a meeting of the Magistrates and Town Council held at Perth on the 1st December, 1806, it was resolved that the burgh be divided into four separate parishes; that there be four ministers, one for each church and parish. Each minister being confined in the exercise of his duties to his own church and parish.

These presents were granted and are binding on the Magistrates and Council and their successors in office. The Magistrates obtained the sanction of the Presbytery to this arrangement, and afterwards constituted the proper action in the Court of Teinds, and took every other step in order to carry the same into full and complete effect. Then follows:—The subscribers, heritors, or agents for heritors of the parish of Perth, do hereby consent to the disjunction and erection into four parishes as specified—Signed, Thomas Luke, deacon of the Glover Incorporation, William Grigor, boxmaster, Charles Archer, Thomas Taylor, D. M'Leish, James M'Ewen.

The Presbytery duly considered the Act of Council and the request made by the Magistrates, and unanimously concurred therewith. The Presbytery thereafter compared before the Lords of Session when the following deliverance was pronounced:—

The Lords of Council and Session have separated and disjoined and hereby separate and disjoin the said burgh and parish, and hereby erect the same into four separate parishes, and find and declare that the ministers appointed shall have the following divisions or districts allotted to them (as already stated). The funds to be allocated (as already stated). Patronage and pews (as already stated).

This arrangement, which accomplished the settlement of a great question, was satisfactory to all parties, and is still the scheme under which the four churches are administered.

PLACE OF THE ANCIENT CAPITAL IN THE ROLL  
OF BURGHS.

In 1804 this matter was before the Law Courts, when it was settled that the Ancient Capital is legally entitled by its Royal Charter and Act of Parliament to rank next to Edinburgh. Counsel stated to the Court:—Glasgow obtained from Bishop Turnbull in 1450 a Royal Charter as a Burgh of Regality under direction of the bishops. It was not till 1633 that Glasgow acquired the privileges of a Royal Burgh. There could then have been no competition between Perth and Glasgow for precedence. The competitors at that time were Perth and Dundee. The King's letter ordains Perth to be placed next to Edinburgh and before Dundee as what was authorised by the Decreet Arbitral "according to their antiquities and decret of our hail burgh given thereanent." The decret settled that Perth should be accounted foremost in place and dignity in all Parliaments, public conventions of the estates of the kingdom, and conventions of burghs and councils.

The rank and precedence assigned to Perth is proved, and the manner in which the question was settled shows the incompetency of the Convention of Burghs to interfere unless by reference from the King and Parliament.

The right of the Chief Magistrate of Perth to the title of Lord Provost was raised for the second time before the High Court of Justiciary, 17th February, 1836, when Mr. George Patton, the counsel for the

burgh, made a representation, although taken unawares, which the Court held put the matter upon a very proper footing, but added that the point should now be set at rest and the grounds put on record by a minute, which was accordingly done. Of this minute a printed copy is preserved in the Record Room of the Corporation of Perth.

At the period when this important matter was settled, the state of crime in the burgh was very noticeable and vexatious. Notwithstanding the severest punishment, the Magistrates were unable to keep it down. A large section of criminals committed theft, which at that period was punishable with death. Consequently a great many executions took place, mostly at Burghmuir, but some at the foot of High Street. The streets are reported to have been infested with gangs of thieves, who actually entered shops, lifted shop windows, and picked up everything they could lay their hands on. They would at times station themselves in closes and pounce on those who passed by. In the matter of recreation the inhabitants at this time indulged in archery, shinty, curling, with a sprinkling of football and golf.

The Magistrates gave the Government ground at the top of the South Inch in exchange for the Artillery Barracks, built on the site of Gowrie House. This depot was built in 1812, and must have been a large building, as it was filled with 5,000 French prisoners, and continued so for two years, when these prisoners were sent home to France. The first batch of prisoners, numbering 400, were landed at Dundee and marched to Perth, spending the night in the Church of Inchtute, where they extracted the brass nails from the pews, and stole the green cloth from the pulpit and seats, and everything they could lay their hands on. This event was followed by a great



briskness of trade, as the maintenance of 5,000 of an extra population created for the time being a lively business among the merchants. These prisoners are said to have been a very ingenious and industrious class of people. Visitors were allowed free access to them. They made toys, snuff-boxes, plaited straw for ladies' bonnets, etc., which they sold to all who came about them. It is said that large numbers of the inhabitants visited them daily. The money thus made was spent in the town in little luxuries, and amounted to a considerable sum. On account of the French law of conscription, there were people of all grades amongst these prisoners, and during their exile here the town was kept lively, and much regret expressed when they departed.

The County Buildings at Perth were erected in 1809, at a cost of £32,000, on the site of Gowrie House and gardens. At the foot of Marshall Place stands the water-works and reservoir, constructed in 1830, but extended and vastly improved since that period, involving double the original cost. This unique and rather striking building was designed by the late Dr. Anderson, then Rector of Perth Academy, afterwards Professor of Natural Philosophy in St. Andrews. In connection with the water-works are filter beds at the head of Moncrieffe Island. A suction pipe laid beneath the bed of the river draws the water to a tank beneath the great reservoir. Two steam engines pump it up to the height required, and pipes conduct it throughout the town. The supply of water from the Tay is abundant, and after passing through these natural filters it is an essentially good and pure water, and is under the management of the Corporation.

## CHAPTER XXIV.

**The Fairs and Markets of Perth—Establishment of the Four pre-Reformation Fairs: Palm Sun' E'en, Midsummer, St. John's, Andrewsmas, and the post-Reformation Market, Little Dunning—Establishment of the Post Office, 1689—Proclamation by William and Mary—First Letter of the Postmaster-General—First Postmaster of Perth—Postal Arrangements, 1732 — Reform Bill Agitation, 1832—Claims of Perth for a Member of Parliament—Address by the Magistrates to the Grand Duke Constantine—The Melvill and Munro - Melvill Trusts — Foundation of Murray's Asylum—The Ancient and Modern Seals of the Burgh—The Official Seals of the Monasteries, including that of the Ancient Abbey of Scone—Kalendar of Charters granted by the early Kings to the Town of Perth—Translations of these prepared for this Work—Some of the Charters of the four Monasteries.**

**THE** establishment of fairs and markets in the Ancient Capital carries us back to a remote period. Probably our earliest market is Palm Sun' E'en, held on the first Friday of April, or the Friday before Palm Sunday. The battle of the clans on the North Inch was fought on Palm Sunday, 1396, and whether this market was established as the anniversary of that event, as some writers suppose, is a suggestion unconfirmed by any authentic announcement; but it is not unlikely to be true, and probably this was the institution of this market. It was common in early times to appoint fairs or markets on what were called saints' days, but Palm Sun' E'en is evidently

unconnected with that custom. With reference to Midsummer Fair, held on the first Friday of July, we are in a different position. It was established in 1442, and we are glad to be able to give the actual ordinance authorising it. This ordinance, now published for the first time, has been transcribed for this work:—

Letters by William Abbot of Coupre (Cupparangus) Patrick Lioun lord of Glamis, knight, Andrew Gray, lord of Foulis, Davy Murray of Tulibardin, knight, Thomas of Abircrumby of that Ilk, William of Murray, George Gray, and Patrick Murray, making it known "that apon the debate movid betwix Schir Johne of Rothven of that Ilk, knycht, scheref of Perth on the ta part and the alderman and communite of the burgh of Perth on the tother part anente the halding and the keping of the midsomire fayr and the court thairof to which of the partiez, the rycht thairof pertenit," they the judges, being chosen and sworn, and the parties being bound to accept their deliverance, having heard parties with their letters, evidents and charters, proceeded and delivered "that the saidez alderman and communitie has full rycht to the halding and keping of the said mydsomire fayre and the court thairof with the pertinence efter the tenoure af thair chartir." Given under the seals of the judges at Perth, 19th June, 1442. Eight seals have been attached—one (that of Sir Patrick Lyon of Glamis) is now wanting. The others are, (1) Seal of the Chapter of Cupar-Angus. (2) Wanting (Patrick Lyon). (3) Seal of Andrew Gray of Foulis. (4) Seal of Sir David Murray of Tulibardin. (5) Seal of Thomas Abercromby of that Ilk and Murthly. (6) Seal of William Murray. (7) Seal of George Gray. (8) Seal of Patrick Murray.

About the same time King James III. ordained Sir John Ruthven, Sheriff of Perth, not to molest the Provost and Magistrates in their "shrieval" rights at this Midsummer Fair, *e.g.*:—

STIRLING, *January, 1442.*—Forasmuch as we have seen and diligently examined a charter given by our forbears of good memory to our aldermen and community of Perth of the office of Sheriff of the burgh, as far as their land and water strikes, with all freedom and pertinents belonging thereto, with the keeping of their Midsummer Fair, and the Court thereof, and for which we are informed they have made demand for the holding and keeping of the said Fair in times by past; and that serves to raise misunderstanding regarding the special freedom and all infestment granted to them as to the keeping and holding of the said Fair. Our will is, and we straitly charge you that ye neither move, make, nor cause to be made, disturbance or impediment to our said aldermen and community in the governance of the Fair, nor to others coming or going during the time of the Fair, under the usual pains and penalties.

With respect to Andrewsmas Fair, held on 11th December, so called from St. Andrew, the apostle, it was instituted in 1457, by charter of James II., as follows:—

STIRLING, *4th January, 1457.*—Charter by King James II., whereby, for the good and thankful services of the burgesses and community of Perth, and his singular favour towards them, he grants to them and their successors the privilege of holding an annual Fair on the feast of St. Andrew, the apostle, and the eight days following, with all privileges and liberties belonging to such fairs. (Part of the Great Seal is still affixed.)

The establishment of St. John's Market—or "St. John in Harvest," as it was called in the middle ages, does not appear to be recorded in the papers preserved in the City Chambers. This market is held on the first Friday in September, and is in

commemoration of the Saint of St. Johnstoun, St. John the Baptist. In 1621 we have the ratification by the Lords of the Privy Council of these four markets or fair-days of Perth, viz., Palm Sun' E'en, Midsummer, St. John in Harvest, and St. Andrew (Andrewsmas) in winter. These were not only pre-Reformation markets, but great festival days for the town and county. They were as a rule largely attended by the inhabitants of the county, and on each occasion a very large amount of business appears to have been transacted. Many who visited these markets seldom visited Perth on any other occasion. Farmers and others in the county paid their accounts to those of the local merchants with whom they dealt on one or other of these fairs and at no other time. Little Dunning Market on 20th October, or nearest Friday, though unconnected with the four standard or pre-Reformation markets, has since its institution in 1609 been a highly successful and popular market. It was founded as the market of St. Dennis.

In the seventeenth century the Provost and Magistrates issued the following proclamation, which is one of the few documents that can be discovered on a subject of great importance. It will be noticed that besides the fairs already referred to, there were three others of a subsidiary character.

In order to prevent mistakes as to the days on which the Fairs and Markets at Perth are held, the following list is hereby published:—(1) The Fair called the first week of Lent is to be held on the first Friday of March. (2) Palm Sun' E'en Fair on the first Friday of April. (3) Market

for milch cows at the coal shore every Friday of April and May free of custom. (4) Midsummer Fair on the 5th day of July. (5) St. John's Fair on the 9th day of September. (6) St. Dennis Fair (Little Dunning) on the 20th October. (7) St. Andrew's Fair on the 11th day of December. When the above days for any of the last four fairs fall on Saturday, Sunday or Monday, the Fair will be held on Tuesday following. (8) Yule Even Fair on the Friday immediately before Christmas. Wednesday and Friday are the weekly market days all the year round.

The establishment of Little Dunning Market occurred in 1660, when the following Charter was granted by Charles II. (abridged):—

EDINBURGH, *17th December*, 1669. — The King and the Estates of Parliament having had a request from the Provost and Magistrates of Perth mentioning that besides the ordinary fairs held these many years within the burgh, there is a desire for another public fair or market to be held yearly on the 9th October, which will be advantageous, not only for the burgh, but for the lieges living near that part of the country, and desiring that this may be granted, as stated in the request. The King, with the advice and consent of the Estates of Parliament, hereby give and grant to the Provost and Magistrates of Perth a yearly fair to be held within the burgh on the 9th October, besides the ordinary fairs and markets formerly granted, for buying and selling horses, cattle, sheep, malt, and all kinds of grain, linen and woollen, and all sorts of merchantware; with power to the Magistrates to intromit with, collect, and uplift the tolls, customs, and other duties belonging to the said fair, and to enjoy all other freedom and liberties thereto belonging, and recommend the Lords of the Exchequer to pass a signature hereupon, if need be. Extracted from the Records of Parliament by Sir Archibald Primrose of Yester, Clerk to His Majesty's Council.

## ESTABLISHMENT OF THE POST OFFICE.

Posts certainly existed in England before the middle of the sixteenth century. There was a Chief Postmaster of England in the reign of Elizabeth, 1581, although letters from the Court were usually conveyed to Scotland at that period by special messenger. In the reign of Charles I. (1635) a letter office for England and Scotland was established. By the Commonwealth of England a weekly conveyance of letters to all parts was established in 1649. Between this date and the arrival of the Prince of Orange two members of the Inchbrakie family, Patrick Græme and John Græme, his son, held the office of Postmaster-General. The latter died in 1689. On the arrival of the Prince of Orange this matter of the Post Office engaged his first attention. One of the most important things he did was to organise a scheme for the regular and prompt transmission of letters. This scheme was of great importance to Perth and Perthshire, and will be best understood by reproducing the proclamation dealing with it (slightly condensed) :—

*Proclamation by William and Mary for regulating the Post Office, 1689.*

The Lords of his Majesty's Privy Council considering that by a tack dated 14th August last they did set to John Blair, Postmaster-General, apothecary in Edinburgh, the office of General Postmaster and Overseer of all Posts, Horses and Foot within the kingdom of Scotland for seven years from Martinmas next, and have granted power and warrant to him to appoint and settle postmasters for establishing horse and foot posts at the several stages where the same may be necessary for carrying not only his Majesty's

despatches and letters but those of all his subjects and others from place to place for whom he shall be answerable. Power is also granted to him to appoint a general letter office at Edinburgh, from which all letters and despatches may be sent with expedition to any place within the kingdom: and at which office all letters and answers etc. shall be received. As also such other particular letter offices at such fit places as shall seem to him convenient, with power to him and his deputies to provide horses for packets and posts or journey horses, he and they always exacting such prices allenary as is set and contained in the articles of roup for each horse that shall be furnished by them, and for transporting the letters and packets as follows:—Letters from Edinburgh to Perth 2s. per single letter, 4s. per double letter. Edinburgh to Dunkeld 3s. and 6s. Inverness 4s. and 8s. For bringing letters from towns and villages to nearest post office 1s. to the persons appointed to carry such. Where no posts are settled the carrier to have freedom to bring letters. All packets by ounce weight. Where there are no letters within, shall pay for such the letter pay of 2s.—6s. for each packet: and when the letter pay is 3s., each packet to pay 9s. Magistrates of Burghs and Incorporations and all persons whatever are prohibited from erecting any letter office or meddling with any post office within the kingdom by establishing or sending away posts, horses or foot, or carrying or receiving letters or packets or doing anything to the prejudice of the Postmaster-General, with certification that contraveners shall be severely punished.

Following on this proclamation the new Postmaster-General wrote the Magistrates of Perth to the following effect:—

There is proposed a letter office at St. Johnstoun together with a foot post, who is to travel by Kinross and Queensferry to Edinburgh. He will also travel to Dunkeld, and if you will provide a good honest man in the town who will keep this office I am



resolved to give him the fifth part of all the letters that come and go from St. Johnstoun to Edinburgh, or from Edinburgh to St. Johnstoun for his trouble, and to pay the bearer who is to run with the letters so much for his trouble as can be agreed upon, which I presume may be about 24 or 30 shillings every time he shall run, and it being only a short way, he may run twice each week. I hope you will take these two particulars into consideration and satisfy yourselves in the naming of an honest man for keeping the office, and let him be provided with cautioners for his honesty and for his returns to me for the price of the letters over what pays himself, and I am resolved you shall have the naming of him. I presume such a man may be found, who need be qualified only with honesty and humbleness, who is to run with the paquet betwixt the postmaster of your town and our office here, in Edinburgh. And your postmaster is to take care of distributing the letters with you, at which time only he is to take payment, and when your letters come to us we shall be likewise careful to deliver them here, be they papers of never so great concern. When I settle I shall give to the master of the office instructions as to the prices of all letters and papers coming or going conform to the act of Council, and I shall make these public to the country, that so all honest dealing may be propagated and correspondence encouraged, which is the earnest desire of, your humble servant,

JOHN BLAIR.

Robert Anderson, glover, was appointed first postmaster of Perth, and his co-partner, William Menzies, merchant, treasurer of Edinburgh, postmaster-depute for Perth, 19th December, 1689, "allowing him pour to erect and sett up ane post and letter office at this burgh of Perth, and to exact the deues of whatsoever letters shall be given in there, conform to ane list given him with the said agreement, as also allowing him libertie to settle and exact the deues of all post hyring, pack and baggage horses, conform to

use and wont in said town of Perth, and applye the same to himself," and that for the space of two years. On the 19th June, 1704, the Council appointed the Treasurer to pay Gilbert Gardiner, writer, then keeper of the Post Office of Perth, £5 sterling a year during their pleasure, for his encouragement in furnishing a foot-post twice a week betwixt this and Edinburgh, commencing his entry from Lammas, 1703, but on 14th June, 1708, this allowance was withdrawn. A beautifully written "memorial" relative to the transmission of letters from Edinburgh to Aberdeen and back, undated, but probably not later than the reign of Queen Anne, who improved the postal service, informs us that three foot-posts, or carriers, went weekly from Edinburgh by Cupar-Fife, Dundee, Arbroath, Montrose, Bervie, Stonehaven, etc., to Aberdeen, for which they were allowed six shillings and eightpence each, with one shilling and sixpence each for the ferries, and that the cost of the whole three posts was not more than twenty-four shillings sterling a week. The postmen were allowed to carry small parcels. The authorities at the General Post Office seem to have given orders for the greatest care as to the closing and opening of the mail bags; for in 1732, while Mrs. Graham, postmistress of Perth, was sick, Mr. Archibald Douglas, the Postmaster-General, wrote her as follows:—

EDINBURGH, 13th *December*, 1732.

There being complaints made that since your illness the Perth packet coming into people's hands who have no concern with the same, his Majesty's lieges are in danger of having their letters broken open or intercepted; to prevent which, or any suspicion of the same, you are hereby directed that

while you are not in a condition to attend personally the receipt and dispatch of your packet to and from Perth, you are to cause the bag sent you to be opened in presence of one of the Magistrates of Perth, and the bag sent here to be sealed by one of their seals.

ARCHD. DOUGLAS.

In another memorial issued by the authorities in Edinburgh, it would appear that from Edinburgh to Aberdeen *via* Fife and Dundee there was a foot post, whose wages were for the double journey 6s. 8d., with 1s. 6d. for ferries, three posts per week. As these posts were not obliged to make the journey but on foot, and had no allowance for horses, they were always three days, and often four, in going from Edinburgh to Aberdeen. The distance is sixty-eight miles. The towns mentioned, with the town of Perth and the country adjacent were likewise made at a loss by the then slow methods, as they had no regular conveyance but what went by Edinburgh, notwithstanding their business and connections; so that before an answer could be had at Perth or Aberdeen to a letter from one to the other, it was at least twelve, and commonly fourteen, days; and therefore all business of any moment was carried by expresses. To avoid the uncertainty and inconvenience by the passage at Leith or Dundee, it was proposed that the stages be settled from Edinburgh to Queensferry, thence to Perth, then to Dundee, thence to Arbroath, Montrose, and Aberdeen, all which was done.

About the time of the Rebellion of 1745-46, the postmaster of Perth, Mr. Robert Morison, bookseller, ancestor of Mr. Robert Morison, C.A.,

Perth, issued a large placard containing the regulations of the Post Office, showing considerable regularity and despatch for the time. A letter from the Magistrates of Perth to Mr. John Drummond, M.P., in November, 1736, refers to the very small sum allowed by the public to their two-horse postboys, who travel thrice a week betwixt Perth and Queensferry, being twenty long miles of bad road, for which they have only two shillings and threepence each journey fore and back, which is not sufficient to maintain them and their horses, and they entreat their member to endeavour to procure for the postboys three shillings and fourpence, which is but twopence per mile, and without such allowance their town and country could not be punctually served by the postboys, who had long threatened to give over serving for want of bread. The horse post seems to have been given up, for in 1740 the Magistrates of Aberdeen, Dundee, and Perth, with all the burghs and counties in the route, for the benefit of the trade, agreed to address their representatives in Parliament with a view to altering from a foot to a horse post; and Mr. John Drummond, member for the Perth Burghs, was memorialised on the subject. He waited on Sir Robert Walpole, the Prime Minister of the first two Georges, who desired him and the other member concerned for the northern towns, chiefly Mr. John Maule (member for the Burghs of Aberdeen, etc.), to draw up a memorial for the Lords of the Treasury, and they would refer the matter to the Postmaster-General, and if they represented it as not very prejudicial to the revenue, which was all appropriated, he would be sure to forward it, and give it all

the despatch which the nature of the thing would permit. What was the effect of this application to the Treasury we know not, but at a later period the mailbags were carried in a light cart drawn by one horse. A stage-coach, carrying the Royal Mail between Edinburgh and Perth, passed through Kinross for the first time, it is said, on July fair day, 1799, some fifteen years after the experiment had been successfully made in England, and continued to run down to the 22nd December, 1847, when the mails were transferred to the railway. A time bill has been preserved of the mail coach that travelled between Edinburgh and Aberdeen, via Perth and Dundee; distance 132 miles, time twenty-two hours, allowing half an hour for dinner at Perth, and twenty-five minutes for supper at Arbroath. In 1803 a money-order office was opened at Perth under the charge of Bailie Duff, postmaster.

The agitation which took place over the Reform Bill in 1832 was universal throughout the kingdom, and the Ancient Capital which through all these ages maintained its position, was in this agitation true to its traditions. On 7th May, 1832, the Magistrates sent up the following petition to Parliament in favour of the Bill, and by doing so materially aided in strengthening the hands of the Government:—

Your petitioners in common with the vast majority of his Majesty's subjects throughout Great Britain have observed with much satisfaction the successful progress which the Bill for amending the representation of the people in the Commons House of Parliament has made in your Right Honourable House. Your petitioners are firmly persuaded that the Bill as passed by the House of Commons is



*To face 360.*

**LORD ORMELIE,**  
*M.P. for Perthshire, 1832 (The Reform Bill)*



calculated to remove and eradicate every existing feeling of dissatisfaction and discontent on the part of his Majesty's subjects as to the present mode of electing their representatives of Parliament, and to promote and advance the best interests of the Empire. Your petitioners would therefore most humbly entreat and implore your Lordships to pass the Bill unimpaired. May it therefore please your Right Honourable House to take this subject under your consideration, and do therein what to your Lordships may appear proper, etc.

Signed in name and by appointment of the Town Council and seal of the city appended.

PERTH, 7th May, 1832.

JOHN WRIGHT,  
*Lord Provost.*

APPOINTMENT OF MEMBER OF PARLIAMENT FOR  
PERTH

The Lord Provost and Magistrates, in agitating for this matter, issued a long memorial, in the course of which it was stated :—

That Perth has been distinguished from a very early period for its importance in the history of Scotland. It was long the seat of the Scottish Parliament, and when that was removed to Edinburgh, Perth maintained the second place in rank next to the Metropolis of Scotland, and it still continues to hold the same place in the convention of Royal Burghs, and on other public occasions. Unlike many of the ancient Scottish burghs which once flourishing have fallen into decay, Perth is in a high state of prosperity, increasing rapidly in population, in manufacture, commerce, wealth. In 1821 the population was 19,000, exclusive of one of the suburbs containing 2,000. Ten years later the population was 23,450. No other town approaches near to Perth in point of population. Dumfries, which comes nearest, has a population of 14,000. Perth is the capital of the largest and one of the richest counties in Scotland, and is the great market for grain and the other



agricultural produce for that part of the kingdom. The exports and imports at the harbour are in a state of rapid increase, and average the annual amount of 90,000 tons. In point of population Perth is very nearly equal to Greenock which is proposed to have a representative of its own. The memorialists submit that they trust it will be seen that the City of Perth is in justice entitled to the privilege of sending a member to Parliament; that its claim can be acceded to without infringing on any principle of the Reform Bill, and that thereby the other burghs presently associated with Perth will be put on a more desirable footing, and a material improvement made on the details of the measure.

The claims of Perth were recognised by the Legislature, and Perth has since that period had a member of its own. This was very much due to the judicious terms and arguments laid down in this memorial, and to the able administration of the Chief Magistrate, Provost Wright.

A distinguished member of the Russian royal family, the Grand Duke Constantine, visited Perth in 1847, when the Lord Provost in name of the Council and community presented him with the following address:—

May it please your Imperial Highness:—It affords me much pleasure to take the present opportunity in my own name and in name of my brother magistrates as well as the inhabitants of this city generally to welcome your Imperial Highness to this ancient City of Perth in Scotland. We recognise in your Imperial Highness the scion of an illustrious and noble family. Russia has cultivated peace and friendship with foreign countries and has been friendly with us. Although danger is your Highness is our danger, we are glad to see you who have so kindly had the honour of being crowned with the Crown of

Russia in arts, science and in arms; and who on every occasion on which they have been called to visit the dominions of the Czar, have gratefully expressed their sense of the hospitality and courtesy towards foreigners for which your country is so justly celebrated. Permit me to request your Imperial Highness's acceptance of the freedom of this city and to express the warmest wishes of the inhabitants for your happiness and prosperity.

#### THE MELVILL AND MUNRO-MELVILL TRUSTS.

In 1820 Charles Melvill, writer, Edinburgh, died and left his estate to be administered by the Magistrates and the four ministers of Perth. One half of the free income was to be paid to annuitants of the name of Melvill, selected by the trustees, and the other half to be devoted to educational purposes. Melvill also ordained a room or two rooms to be fitted up on the farm of Easter Greenside, and occasional fires to be kept in the same by the principal tenants, "who will be bound in his tack for implement of this service. All my papers books, watch, rings, etc., to be kept there, as it would be disrespectful to my memory to have the same carelessly squandered or publicly sold."

The Melvill Mortification was held and administered under a settlement and Deed of Mortification, dated in 1806, and consisted of funds amounting to about £1,300, besides the small farm of Greenside, Abernethy, and a share in a property in Skinnergate. One half of the same was held as applicable to educational purposes, and was appointed under the new scheme to be made over to the Munro-Melvill Trust. The governing body of this Trust consists of five members elected, two by the Lord

Provost and Magistrates of Perth; two by the School Board of Perth, and one by the Presbytery of Perth, and all hold office for a period of five years. "The governors apply the residue of the free annual income in establishing bursaries for higher education, called the Munro-Melvill Bursaries, each of the yearly value of not less than £10 nor more than £15. These bursaries are awarded by competitive examination among pupils attending public or State aided schools in the burgh of Perth whose parents or guardians require aid in giving them higher education, and whose age at the date of competition shall not exceed fourteen years; they are tenable for such period, not exceeding three years, as the governors may determine, at such schools for higher education or technical instruction in Perth as they may approve." In recent years the funds have been entirely devoted to bursaries, and each year about twenty £5 bursaries, and about ten £10 bursaries are granted, tenable either at Perth Academy or Sharp's Institution. The capital fund of the endowment is £7,000, yielding an annual income of £250.

In 1827 Murray's Royal Asylum was founded by a Mortification of £4,000 from James Murray, a native of Perth. His brother, from whom he inherited a large portion of this money, was drowned on his way home from India.

#### THE ANCIENT SEALS AND ARMS OF PERTH.

It has been said by previous historians of Perth that the Royal Burgh possessed a common seal in the reign of Alexander II. (1214-1249), and perhaps long before, but that all trace of this seal has



ANCIENT SEAL OF THE BURGH OF PERTH APPENDED TO THE DEED OF HOMAGE TO EDWARD I., A.D. 1296.



disappeared. We are of opinion, however, that this earlier seal is no other than that which we find appended to the deed of homage rendered by the city to Edward I. in 1296, now in His Majesty's Record Office. By the courtesy of the officials, we have had this important historical "document" specially photographed for the present work (Plate I.), from which it will be seen to be one of the finest extant specimens of the mediæval engraver's art. We forbear to comment on the hideous caricature of it which has appeared again and again in recent works on Perth. This seal, which is about  $3\frac{1}{2}$  inches in diameter, is thus described in the British Museum Catalogue of Seals, Vol. IV., No. 17,312:—

*Obverse:* "The front or section of an arcade of five arches, pointed and trefoiled, that in the centre being slightly higher than the others, pinnacled and crocketed, resting on six slender shafts, and containing a standing figure of St. John Baptist, with nimbus, holding [a disc with representation of the Lamb of God with the banner], with two kneeling monks on each side. In base below the floor-line two wyverns with tails nowed."

The legend is the same as that of the reverse, where it is more legible.

*Reverse:* "The Decollation of St. John Baptist in the presence of the daughter of Herodias [who holds the charger to receive the head]. Under an elegantly designed Gothic edifice with pinnacled roof, trefoiled arches, and other details of ecclesiastical architecture."

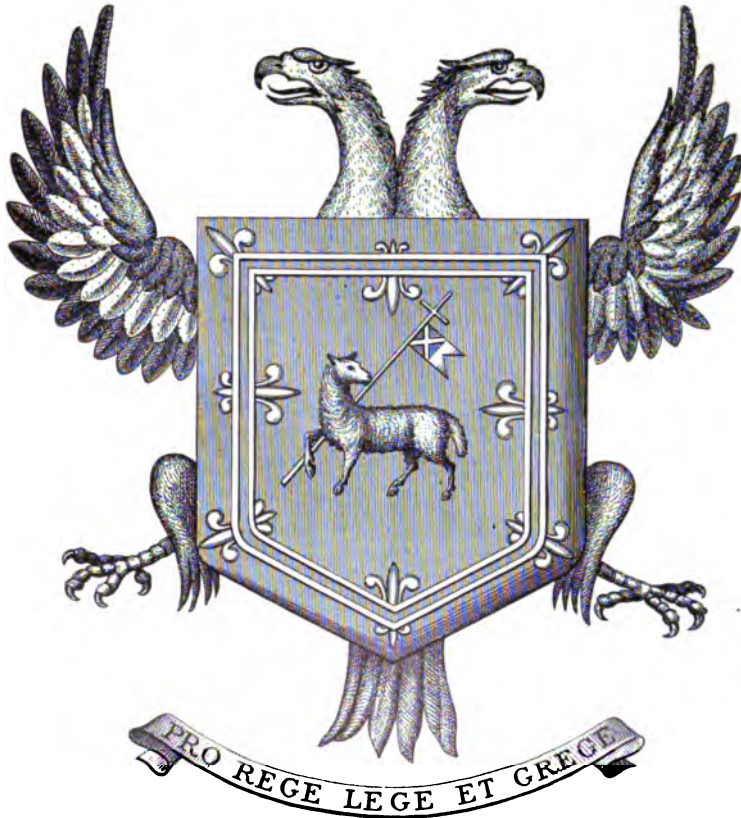
The legend reads: S. COMUNITATIS. VILLE. SANCTI. IOHANNIS. BAPTISTE. DE. BERTH<sup>1</sup> (Seal of the Community of the town of Saint John Baptist of Berth).

Studying the reverse of this seal of the Ancient Capital, as found in the unfortunately greatly mutilated specimens appended to charters in the archives of King James the Sixth's Hospital, Perth, one is at a loss which is the more worthy of admiration—the vigour and fidelity with which the executioner, stripped to the waist, and in the act of striking the fatal blow, is portrayed, or the wealth of architectural detail introduced into the picture. One beautiful fragment shows very distinctly a fleur-de-lis in the field between the executioner and Salome.

Laing thinks this fine seal must have been broken at some date between 1296 and 1423, the seal appended to the "Obligation of the Burghs of Aberdeen, Edinburgh, Perth, and Dundee" at the latter date, although a close copy of the original obverse, being in his opinion deficient in the spirit of the earlier seal. The local specimens do not appear to the writer to support this conjecture. In the British Museum is a cast from a very imperfect impression of a smaller seal, about  $1\frac{7}{8}$  inches in diameter, which was therefore probably a secretum or privy seal. The interest of this early seal (A.D. 1378) consists in its showing for the first time the displayed eagle bearing a shield of arms on its breast. It is more than doubtful if the eagle has any reference to the supposed Roman origin of the town of Perth. The author of the British Museum Catalogue, Mr. W. de G. Birch, refers to the almost

<sup>1</sup> In the British Museum Catalogue wrongly given as PERTH. In our photograph the ancient spelling is perfectly distinct.

PLATE II.



ARMS OF THE CITY OF PERTH.

*(By permission of T. C. and E. C. Jack.)*





contemporary official seal (A.D. 1392) of the "Justice of the King for the Lands North of the Forth,"<sup>1</sup> where an eagle similarly supports a shield with its claws, "an idea not improbably derived from the eagle supporting the shields of Royal arms seen in the side niches of the Great Seals of Scotland." A privy seal of the eighteenth century of the same size and of a similar design is also in the British Museum collection. The eagle, as before, carries on its breast a shield of arms, charged with the Holy Lamb passant, regardant, bearing staff and cross with the banner of St. Andrew, all within a double tressure counter-flowered. The legend reads: † SIGILLUM \* SECRETUM \* BURGHI \* DE \* PERTH \*\* (Privy



MODERN SEAL OF THE  
CORPORATION OF PERTH.

Seal of the Burgh of Perth). Both Seals therefore reproduce the official arms of the city (see Plate II.), which are thus entered in the Lyon Register, *circa* 1672. "Gules ane holy Lambe passant regardant, staff and cross argent with the Banner of St. Andrew proper. All within a double tressure counter flowered of the second. The Escutcheon being surmounted on the breast of ane Eagle with two neckes displayed or. The motto in ane Escroll Pro Rege, Lege et Grege." The late Marquess of Bute in his work, "Arms of the Royal and Parliamentary

<sup>1</sup> British Museum Catalogue, IV., No. 14,906.

Burghs of Scotland," has submitted the Arms of the City of Perth to an elaborate criticism, and has proposed the arms given on Plate III. as more in accordance with the laws of heraldry and the history of St. Johnstoun.

With regard to the origin of the city motto, it has been said, not without probability, that it was adopted as a compliment to the Prince of Orange in his struggle for the independence of the Netherlands, the words "Pro Rege, Lege, Grege" (for the King, the Law, the People) having been his favourite motto, which he affixed to his proclamation to his people in 1568. The town of Perth did not always use the seal with the double-headed eagle, for we find in the Hospital Archives a seal attached to an official document having a single-headed eagle, and with the following inscription:—"Sigillum Secretum Burgis de Perth" (Privy Seal of the Burgh of Perth).

On Plate IV. will be found the Arms of the County of Perth, of which the following description is taken from Fox-Davies' "Book of Public Arms":

"The County of Perth bears or, a lion rampant gules, armed and langued azure, standing on a compartment or mount proper, and brandishing in his dexter forepaw a scymitar of the last, all within a double tressure, flowered and counter-flowered of the second: on a dexter chief canton of the third a front view of the Palace of Scone argent, ensigned on the top with an imperial crown proper. Above the shield, on a wreath of the liveries, is set for CREST, a demy Highlander effrontéé, bonnet, belted, plaid, dirk and pistols, brandishing in his right hand a broadsword aloft in a threatening posture, a target on his left arm, all

PLATE III.



ARMS OF THE CITY OF PERTH.

*(As suggested by the Marquess of Bute.)*



proper, and on a compartment below the shield, on which are these words:—‘Pro Lege et Libertate,’ are placed for SUPPORTERS, on the dexter an eagle regardant with wings adossé proper, and on the sinister a war horse argent furnished gules.—Matriculated 23rd January, 1800.”

#### SEALS OF THE MONASTIC HOUSES.

When one reflects how largely the four monastic institutions described in Vol. I. bulk in our local history in the period preceding the Reformation, and in particular how numerous must have been the transactions requiring formal attestation, it is surprising that so few impressions of the common seals of these institutions have come down to us. In consequence, we have been unable to trace the local seals of either the White or the Grey Friars, a circumstance all the more remarkable from the fact that the former or Carmelite monks were settled in our immediate vicinity for three hundred years. For the oldest of our four religious houses, that which played by far the largest part in our local history, we are more fortunately placed, since the brass matrix of an early seal of the Dominicans or Black Friars, also styled the “Predicatoours” or Preaching Friars (see legend below), is happily in the Museum of the Society of Antiquaries in Edinburgh. This seal is of the oval form characteristic of seals of the religious houses and dignitaries of the Church, and measures *circa*  $1\frac{1}{8} \times 1\frac{3}{8}$  inches. The rudeness of the execution and the character of the lettering alike show that it must be considerably older than the sixteenth century seal of the Prior of the Dominicans given below, and may even be as old as the fourteenth

century. As several inaccurate readings of the legend of this seal are current not only in previous histories of Perth and in Laing's Supplemental Descriptive Catalogue (No. 1174), but even in the official catalogue of the Museum (p. 369); and as it has hitherto been described, largely in consequence of the mistaken readings referred to, as the "official seal" of the Dominicans of Perth (Dr. Milne, "The Blackfriars of Perth," p. vi., and earlier writers), a somewhat fuller discussion of this interesting antiquity may be here in place. In a carved niche surmounted by a crocketed canopy is the Virgin Mary, crowned, and holding on her left arm the Holy Child; in the lower part, under an arch, is a friar in the attitude of adoration. From a personal inspection of the matrix and a careful study of an impression—from which our engraving (Plate V., No. 1) has been prepared—kindly taken for us by Dr. Joseph Anderson, the learned keeper of the Museum, we have no hesitation in giving the following as a transcript in Roman characters of the Gothic letters of the legend:

S. OFFICIL. PORI<sup>8</sup>. ORD. P<sup>8</sup>DICARU. DE. PTH,

or, in full, "Sigillum officii prioris ordinis predicatorum de Perth" (*i.e.*, Seal of the Prior's Court of the Order of Preachers of Perth). The use of *officium* in the sense of a court of law is as old as Pliny, who speaks of the prætor's *officium*, and in this sense the word was widely used in the middle ages. The court of the Bishop, Abbot, or Prior, as the case might be, was presided over by his delegate, who was termed the Official, and numerous seals of the officials of Scottish dioceses have been preserved. We find, for example, a St. Andrews seal of the fifteenth century with the legend "Sigillum officii officialis," etc. (Seal of the Court of the Official of St. Andrews), and on



*To face 370*

SEAL SHOWING THE SINGLE-HEADED EAGLE.

SIGILLUM SECRETUM BURGIS DE PERTH.  
(Privy Seal of the Burgh of Perth.)

*Appended to an Official Document of the Eighteenth Century in the  
Archives of the Hospital.*





the matrix of a seal in the Edinburgh Museum "Sigillum curie officialis Brechinensis" (Seal of the Court of the Official of Brechin). The court of the Official was also known as the Officialty (officialatus), and both terms are still in use in the Roman dioceses of France. The earliest attested use of the former term in this country is in the Norman-English of the Rolls of Parliament (1314-15): "Le libel enseal du seal autentik le Official ou Evesqe." The seal before us, therefore, is not the common seal of the Order, but the "seal autentik" of the Prior's delegate or Official.

Another seal is found appended to a St. Andrews charter of date 1519.<sup>1</sup> It is thus described in the British Museum Catalogue of Seals (Vol. IV., No. 15,414):—

"Pointed oval, on a masoned corbel, and beneath a crocketed canopy, full-length figures of St. John Baptist, with the Agnus Dei [Lamb of God, with reference to John, chap. i., 29] on the left hand, and St. James (?) with sword and branch on the right hand side. Between the figures is a tree. Border partially engrailed."

The legend must be read :

S. ORDINIS. PREDICATORŪ. PRIORIS. DE. PERTH

(not PREDICATORIS, as in Catalogue, following Laing, *op. cit.*), *i.e.*, Seal of the Prior of the Order of Preachers of Perth. An illustration of this seal appears opposite the first page of Lawson's "Book of Perth,"<sup>1</sup> from which it is here reproduced (Plate V., No. 2). The Prior of the Dominicans at this date (1519) was Robert Lile, who soon afterwards, by 1520, was transferred to the Glasgow house.

Passing to the Carthusians, who named their Perth convent "the House of the Valley of Virtue"

<sup>1</sup> Laing, Descriptive Catalogue of Impressions from Ancient Scottish Seals, No. 1097.

(domus Vallis Virtutis), we have had photographed (Plate V., No. 3) the official seal of the monastery, of which several specimens from the sixteenth century are still preserved among the archives of King James VI.'s Hospital. The matrix, it will be seen, was a work of great artistic merit, the figures in the impression standing out in high relief. The seal is a pointed oval, and is divided into two compartments. The upper compartment contains two figures, with open crowns, seated on a bench under an elaborate pinnaced or crocketed canopy, representing the coronation of the Virgin Mary: the field semé of fleurs-de-lis. The lower compartment or base is of considerable historical interest, for it contains the kneeling figure, with hands raised in the attitude of supplication, of the founder of the monastery, James I.<sup>1</sup> In the field to the left is the royal crown, over which and behind the kneeling figure runs a scroll, on which is inscribed, in minute characters, the legend: IACOBUS PM<sup>2</sup>, *i.e.* Jacobus Primus (James the First). We believe it is unusual, if not unique, to find the lay founder of a religious house commemorated on its seals.<sup>3</sup>

This is the seal described and reproduced by Laing in his "Supplemental Descriptive Catalogue" (No. 1173, p. 207), where, however, the figure in the lower part of the seal is inaccurately described as "a *monk* kneeling on a cushion, his arms uplifted and his head thrown back." The legend on the scroll, further, is given as RADIATE MEA!! We have no hesitation in pronouncing this to be an invention of Laing or his

<sup>1</sup> In some copies, by a slip of the binder, this illustration and that of the Carthusians have changed places. The legend has been carelessly engraved.

<sup>2</sup> The letter of William, the then Prior of the parent House, in the Diocese of Grenoble, to James, authorising its erection, is dated 19th August, 1426. It is a beautiful specimen of mediæval penmanship, and is one of the most precious documents in the Hospital archives.

PLATE IV.



ARMS OF THE COUNTY OF PERTH.



engraver. The letters on the scroll above the crown on the Hospital seal can easily be deciphered by the aid of a strong glass, and are, as we have seen, IACOBUS. So also the British Museum Catalogue (IV., 15,415). The legend round the seal, in Gothic letters, runs thus :

S. DOMUS. VALLIS. VIRTUTIS. ORD. CARTUSIE.

IN. SCOCIA.

(*i.e.*, Seal of the House of the Valley of Virtue of the Carthusian Order in Scotland).

The Hospital charters show not only that this seal was still used in 1558 by Adam Forman, the last Prior of the Carthusians, but even so late as the 27th March, 1566. Soon after this date, however, a poor imitation of it is found appended to a deed of gift of the year 1578.

We have also reproduced (Plate V., No. 4) the common seal of the Chapter of this monastery, from Lawson's "Book of Perth." As the provenance of this seal is not given, we cannot fix its date, but it is evidently distinguished from the seal just described merely by a different legend. That the scroll in the base is left blank is clearly due to the ignorance of the engraver. The legend of this seal is :

SIGILLUM. COMMUNE. CAPITULI. VALLIS.

VIRTUTIS. PROPE. PERTH.

(*i.e.*, Common Seal of the Chapter of the Valley of Virtue beside Perth).

Although, as has been already emphasised, we have failed to trace seals belonging to either of the two other orders having monastic establishments in our city or its immediate neighbourhood, we have identified the seal used by Robert Dalrymple, Prior of the Carmelite Monastery at Tulilum, in his capacity of Provincial Prior of his order. This is a round seal of superior workmanship, about  $1\frac{1}{8}$  inches in diameter. It contains "a representation of St.

Andrew on a saltire cross, between a crescent and estoile [star], and two trees or thistles. In a niche, in base, a friar praying in profile to the right."<sup>1</sup> The legend reads:

† S. COMUNE. FRM. CARMELITAR. SCOCIE.

(*i.e.*, Common Seal of the Carmelite Friars of Scotland). An excellent reproduction of this seal is given in Laing's Supplemental Catalogue (Plate X., No. 2), where it is stated (p. 210) that it was appended to a charter by "Frere Robert, provincile generale off ye Order of Carmelites within ye Realme of Scotland," 30th October, 1492. We need have no hesitation, therefore, in identifying "Frere Robert" with the Robertus Dalbrympill described in a Perth charter of 16th April, 1495, by which Elizabeth Haddane bequeaths her property to the "Quhit frieris," as "provincialis ordinis Carmelitarum," and also as the Prior of the Convent at Tulilum.

Among those who rendered homage to Edward I. in 1296 was Sister Theophania, head of the Cistercian Priory of St. Leonard's. Her seal is still attached to the deed of homage in His Majesty's Record Office, and is described by Laing as "a pretty seal." It is a pointed oval with a half-length figure of the Virgin and Child under an arch. A kneeling figure, also under an arch, occupies the base.<sup>2</sup>

Here, finally, may be mentioned a very remarkable seal, one of the most elaborate of its kind, belonging to the Abbey of Scone. Several badly preserved specimens survive in the Hospital archives; the best is that attached to an "indentor betwixt the Abbot of Scoone and the Prior of the Chartorhouse" of date 1435, but the matrix is considered by experts to be as early as 1350. It is a round seal,  $3\frac{1}{2}$  inches in diameter. The obverse is of special

<sup>1</sup> British Museum Catalogue, IV., No. 15,468.

<sup>2</sup> Laing, Supplemental Catalogue, No. 1180; British Museum Catalogue, IV., No. 15,443.

PLATE V.



No. 1.



No. 2.



No. 3.



No. 4.





interest, inasmuch as it depicts the inauguration or coronation of a sovereign, who is seated on a throne with an open crown upon his head, and holding in his right hand a sceptre. He is surrounded by a bishop and six other figures, all engaged in various duties connected with the ceremony. In the lower part are three shields: Scotland in the centre, with Atholl (three pales) and Strathearn (two chevrons) dexter and sinister respectively. The legend runs:

S. ECCE. SCE. TRINITATIS. ET. SCI. MICHAELIS.  
DE. SCONA.

(*i.e.*, Seal of the Church of the Holy Trinity and of St. Michael of Scone). The reverse or counter-seal is thus described in the British Museum Catalogue (IV., No. 15,447):

“In the upper part, within an oval vesica, with curled rays, supported by the emblems of the [four] Evangelists, a figure of the Holy Trinity seated on a carved throne; in the lower part, within an arched niche, a representation of Michael the Archangel overcoming the dragon; on either side a winged figure standing on a wheel, as described in the vision of Ezekiel.”

The legend is the same as that of the obverse.

An autotype reproduction of the obverse is given in the British Museum Catalogue (Plate VIII.), and engravings of both obverse and reverse in Gordon's *Monasticon*. The illustration here given (Plate VI.) has been specially prepared from an impression in the British Museum. Older seals of the thirteenth century are extant—one of the Abbot of Scone, and another (British Museum Catalogue, No. 15,446) of date 1267, which is interesting both on account of its representation of the Abbey Church of Scone, with central tower and side spires, and of its peculiar representation of the Holy Trinity.

## KALENDAR OF CHARTERS

*Granted by the early Kings to the Ancient Capital of Scotland, specially translated for this work :—*

CHARTER.	NAME OF KING.	YEAR.
No. 1	William the Lion <sup>1</sup> ... ..	1210
" 2	Robert Bruce ... ..	1317
" 3	David II. ... ..	1364
" 4	Robert II. ... ..	1374
" 5	Robert III. ... ..	1394
" 6	Do. ... ..	1395
" 7	Do. ... ..	1396
" 8	Do. ... ..	1397
" 9	Do. ... ..	1398
" 10	Do. ... ..	1398
" 11	Do. ... ..	1399
" 12	Do. ... ..	1399
" 13	Do. ... ..	1405
" 14	Do. ... ..	1406
" 15	Do. ... ..	1407
" 16	James II. ... ..	1451
" 17	Do. ... ..	1454
" 18	James V. ... ..	1527
" 19	Queen Mary ... ..	1556
" 20	James VI. ... ..	1600
" 21	Queen Anne ... ..	1604

<sup>1</sup> There is a private Charter by King William to Henry Bald, dated 1169.

## TRANSLATIONS OF CHARTERS (ABRIDGED).

The oldest Charter preserved is that of William the Lion dated 1210, and being an instrument of great interest and importance we have given a verbatim translation of it at page 215, Vol. I:—

Charter No. 2 by Robert Bruce confers on the burgesses the rights of Guildry and of merchandise in all places within the sheriffdom of Perth; granting certain prohibitions in their favour and certain rights of pre-emption. There is also a letter issued by him enforcing their rights of pre-emption.

Charter No. 3 by David II. confirms that granted by William the Lion and the one granted by Robert Bruce or a confirmation of the privileges of the





merchant Guildry and of the water of Tay. These Charters were also confirmed by the Great Charter of 1600.

Charter No. 4 by Robert II. is as follows:—To all good men, cleric and lay, we have granted in feu form and confirmed by this our Charter to our chosen and faithful alderman burgesses and community of our Burgh of Perth:—To be retained and held by them in perpetual feu and inheritance and by their successors the right and title to the streams, pools, multures, mills and their segula, with our islands lying in the Tay as far as Inchyra Law and Sleeples with all the fishings belonging to these islands: with the fishing of one net at the King's Island and all our other fishings of our islands of the said burgh with the annual revenues and fixed imposts and the petty customs of the burgh: also moors, marshes, meadows, and pastures, with the cures of the said burgh and with all other liberties and privileges justly belonging to the said burgh or which may in future accrue to it under or above ground. We have reserved the great customs to ourselves and heirs. The aldermen and community of Perth to pay £18 at the Feast of Pentecost of St. Martins.

Charter No. 5 by King Robert III. granting to the provost, burgesses and community of Perth the privilege of having a sheriff elected by themselves for the burgh and bounds thereof, who shall have power to administer justice within the burgh, and deal with and punish transgressors there, and also at the burgh fairs and markets; with power to him to appoint a substitute and depute for whom he shall answer. And for the weal of his own soul and the souls of his predecessors and successors the King mortifies the fines and proceeds of the sheriff's court and also of the Justice Ayres held within the burgh for the repairing and upholding of the Bridge of Tay. The sheriff is to account yearly to the Exchequer, and to appear before the Justice at every circuit court. Order is given to the provost and burgesses and community to respect the sheriff's authority. Dated at Linlithgow 10th April, 4th year of the King's reign [1394]; witnesses, Walter, Bishop of

St. Andrews ; Matthew, Bishop of Glasgow ; David, Earl of Carrick, Steward of Scotland, eldest son of the King ; Robert, Earl of Fife and Menteith, the King's brother german ; Archibald, Earl of Douglas, Lord of Galloway ; James of Douglas, Lord of Dalkeith ; Sir Thomas of Erskyne, and Alexander Cockburn of Langtown, keeper of the Great Seal.

There is a note on the back of the original charter that it was inspected in Exchequer at Edinburgh in the reign of King James the Fourth, 18th June, 1494, by the Lords' Auditors, who thereupon ordained that all the fines of the justice courts held at Perth regarding the inhabitants thereof should be paid to the provost and sheriff for the maintenance of the Bridge of Tay.

Charter No. 6 by King Robert III. to William of Ruthven, knight, and the lawful heirs male of his body, of the heritable office of Sheriff of Perth except within the burgh of Perth and over the burgesses thereof ; dated at Linlithgow 24th September, 6th year of the King's reign [1395] ; witnesses, Walter and Matthew, Bishops of St. Andrews and Glasgow ; Robert, Earl of Fife and Menteith, the King's brother ; Archibald, Earl of Douglas, Lord of Galloway ; Duncan Petyt, archdeacon of Glasgow, Chancellor ; James of Douglas, Lord of Dalkeith, and Thomas of Erskine, knights.

Charter No. 7 by Robert III. to William Lord Ruthven of the office of sheriff of the sheriffdom of Perth under reservation to the burgesses of Perth of the office of sheriff within the burgh. The grant of the sheriffship is to William of Ruthven and the heirs male of his body in perpetual fee and heritage.

Charter No. 8 by King Robert confirming the grant made by his predecessor King Robert to the burgesses and guild brethren of Perth that wherever and whensoever they found any persons forestalling the said burgh within the sheriffdom of Perth it should be lawful for them without obtaining license from any royal officer to arrest them and proceed against them by form of law, and that the goods of such forestallers confiscated for their breach of the law should belong to the said burgh in perpetuity for the maintenance of the Bridge of Tay. The King

therefore commands the sheriff of Perth and his bailies to render prompt and ready assistance to the burgesses and guild brethren of Perth in this matter as they may be required; dated at Linlithgow 10th May, 8th year of the King's reign, [1397]; witnesses, Walter, Bishop of St. Andrews; Gilbert, Bishop of Aberdeen, Chancellor; David, Duke of Rothesay, Earl of Carrick and Athole, the King's eldest son; Robert, Duke of Albany, the King's brother german; Archibald, Earl of Douglas, Lord of Galloway; James of Douglas, Lord of Dalkeith, and Thomas of Erskine, knights.

Charter No. 9 by King Robert confirming to the burgesses and guild brethren of Perth the right of arresting forestallers of their burgh within the sheriffdom of Perth and of new mortifying the goods of these forestallers which may be confiscated by the judges before whom they are brought for the maintenance of the Bridge of Tay, and that for the weal of the souls of his father, himself, Annabella, his queen consort, David, Earl of Carrick, his eldest son, and all his predecessors and successors on the throne of Scotland. Command is given to the chamberlain, and the King's lieutenants, and sheriff, and his bailies of Perth to give due effect hereto. Dated at the Castle of Rothesay, 28th February, 8th year of the King's reign, [1398]; witnesses, Walter, Bishop of St. Andrews; Gilbert, Bishop of Aberdeen, Chancellor; David, Earl of Carrick, Steward of Scotland, the King's eldest son; Robert, Earl of Fife and Menteith, the King's brother german; Archibald, Earl of Douglas, Lord of Galloway; James of Douglas, Lord of Dalkeith, and Thomas of Erskine, knights.

Charter No. 10, 10th May, 1398, confirms the Charter No. 9. Charters 11 and 12, 1399, confirm that of William the Lion and also letters of Robert Bruce relative to the privileges of the burgh in the River Tay.

Charter No. 13 by King Robert whereby for the weal of the souls of King Robert, his father, Lady Elizabeth Mure, his mother, himself, his consort Queen Annabella, his son David, Duke of Rothesay, and all his predecessors and successors, and for the



welfare of the whole realm which so depends upon the maintenance of the bridge of Perth, he grants to the provost and community the sum of £11 sterling due to him from the duties of the said burgh, to be applied to the maintenance of the said bridge; dated at Edinburgh, 30th January, 15th year of the King's reign, [1405]; witnesses, Gilbert, Bishop of Aberdeen, Chancellor; Henry, Earl of Orkney; David Fleming, William of Ruthven, and Alexander of Cockburne, knights; John Stewart, Sheriff of Bute, the King's natural brother; Mr. Walter Forster, Secretary; John of Park, father; and John of Park, son.

Charter No. 14 by King Robert whereby for the welfare of the burgh of Perth and specially for the maintenance of the Bridge of the said burgh, he grants to the provost, bailies, councillors, and dean of guild of the said burgh who shall have for the time power to make laws and constitutions for the government thereof and to enforce the observance of the same in their bailie and dean of guild courts, applying the fines of transgressors to the maintenance of the said bridge; and with special power to arrest strangers and such as come fraudulently from Flanders and contract debts and do not pay them, and to send them back to Flanders to underlie the law of their country, if their goods moveable and immoveable (which they are hereby empowered to seize) do not suffice to pay their debts; dated at the Castle of Rothesay, 5th March [1406], 16th year of the King's reign.

Charter No. 15. The King grants to Blackfriars Monastery 44 merks sterling out of the Burgh revenues of Perth and Customs of Perth and Dundee. The King died immediately after the date of this Charter.

Charter No. 16 by King James for the special favour he bears towards the merchants, burgesses and community of the burgh of Perth and for their services, granting to the said burgesses and community and their successors that they may be free from payment of the custom on salt and on skins, commonly called "skorlingis, skaldingis, futfellis, lentirnwaire, lambskynniss, todskynniss, calfeskynniss, cunynskynniss, ottirskynniss and fowmartskynniss."

Witnesses, William, Lord Crichton, Chancellor, and others. At Perth 25th March 1451.<sup>1</sup>

Charter No. 17 by King James to the prior and convent of the Carthusian Monastery near Perth who have formerly been endowed by the King's father with the annual payment of £60 for the maintenance of their priory from the burgh rents, great customs and water dues, ordaining that they have payment of fifty merks of the said sum out of the mill dues, water rents and burgh duties of the said burgh paid yearly to the King, and forty merks out of the great customs of the burgh. The provost, bailies and costumars of the burgh are ordained to pay these sums, which are to be allowed to them at accounting; and in return for this gift the prior and monks are to give the suffrages of their prayers. Dated at Edinburgh, 10th April, 1454.

Charter No. 18 by King James V. confirming that of James II., by which for his singular regard for the merchants, burgesses, and community of Perth, and for their services he granted the said burgesses and their successors freedom from payment of customs on salt and skins, commonly called skorlings, skaldings, lenterwaire, lamb skins, tod skins, calf skins, cunning skins, otter skins, and fumart skins. Perth, 10th March, 1527-28.

Charter No. 19 by Queen Mary, 16th April, 1556. The Queen, learning that her predecessors granted many privileges to the craftsmen of burghs and cities in her kingdom, powers to elect men of their own crafts to be superiors and deacons for visiting and examining carefully all the crafts, so that there should be no extortionary profits among the lieges, but that each craftsman should work sedulously at his craft without fraud—to draw up statutes, fines, and punishments, and demand execution of the same. Further grants that honest craftsmen be free burgesses, with right to trade on sea or land as other merchants of Scotland, with other privileges, which, however, were disapproved by Parliament, and an

<sup>1</sup> Taken from the confirmation of the Charter, made by King James V. at Perth, 10th March, 1527-28. Register of Great Seal 1513-46, No. 562.

ordinance passed that no deacon should be elected within the burgh; but that the provost, bailies, and councillors of any burgh should elect specially upright and skilled craftsmen at the feast of St. Michael annually: and that no craftsmen should hold office within a burgh save two annually elected to the Council. From the date of this statute nothing of benefit has ensued from the causes which led Parliament to it, but everything has been conducted worse than before. The Queen has restored to the craftsmen of the burghs and cities of Scotland the power of electing deacons of crafts who should have suffrages and votes in electing burgh officials who should bear a favourable statement of the Common Good and form part of the auditors, with power to convene and draw up legitimate statutes relative to their own crafts, that good order may be kept.

This ordinance was supplemented by the following:—

The Queen, learning that her predecessors granted many privileges to the craftsmen of burghs and cities in her kingdom—powers to elect men of their own crafts to be superiors and deacons, for visiting and examining carefully all the crafts—so that there should be no extortionary profits among the lieges of Scotland, but that each craftsman should work sedulously at his craft without fraud—to draw up statutes, fines and punishments and demand execution of the same. Further granted that honest craftsmen be free burgesses, with right to trade on sea or land, as other merchants of Scotland, with other privileges; which the Queen, having regard to the fact that the burgh of Perth has been very largely maintained by the success, order and polity of craftsmen, and has gone on increasing in importance and that the craftsmen outnumber the other inhabitants and are the equals of the merchants in the payment of every kind of impost etc., has restored to the craftsmen the power of electing deacons with votes in the election of officials; that skilled, honest and well-to-do

craftsmen should be chosen to offices just like the merchants : that an equal number of officials should be appointed from them as from the merchants : that offices hitherto held by one, should in turn annually be filled by merchants and craftsmen : that craftsmen should be received into the privileges of the Guild for the payment of their own dues, and if he should reject them, that the provost or one of the bailies should receive them as per previous custom : that craftsmen and merchants in equal numbers should become commissioners, that they should in equal numbers be auditors of the accounts of the Common Good—enjoying equal privileges, offices and liberties as the merchants.

EDINBURGH, 26th May, 1556.<sup>1</sup>

We may take it that this ordinance was of vast importance to the active and industrious craftsmen of the town. They had hitherto been regarded as an inferior class to the merchants, and the rivalry betwixt them led to unhealthy results. This Act, however, would place both sections of the traders of the burgh on an exact footing, and was bound to be followed by satisfactory results.

Charter No. 20 (abridged) by King James the Sixth at Holyrood house on 15th November 1600 ratifies all charters granted to the burgh and hospital of Perth . . . . . including . . . All charters granted by King James the Sixth and his predecessors to the said burgh concerning the markets and fairs thereof, and especially the four free fairs, viz : Palm Sunday fair, Midsummer fair (24th June), St. John's fair in harvest (29th August), and St. Andrew's fair (29th November); as also the remaining charters whatsoever granted by them and their predecessors to the said burgh. Moreover we set of new in feu farm to the provost, bailies, councillors, burgesses and

<sup>1</sup> Queen Mary did not return to Scotland till 1559. This ordinance was evidently issued by Mary of Guise, her mother, who was Queen Regent.

community of the said burgh and their successors the said burgh royal, with its walls, gates, ditches, streets, pools, bridge and its gates and buildings, the south and north inches, territory, mills and mill lands, the aqueducts called the dams and water intake called Lowis wark, the Burrowmure, as well the Catsyde as other parts thereof, all roads leading from the burgh, as well the highway toward the north beside the Upper Mills with the Langcalsey and Kowcalsey, as the other passages, all lands and tenements lying and annual rents leviabie within the said burgh, with the pool called the Spaystank and the tower called the Spytower, the harbours and others belonging in common to the said burgh, the foresaid inches and fishings in the Water of Tay, annual rents of the perticates and burgages, duties, tolls, small custom of the said burgh, dues of the gates, harbours and markets, the pynorie, cleaning of the streets, timber and timber markets, and the customs usually charged upon goods carried to the streets of Perth for sale, with the muirs, meadows, courts, etc., with the privilege of having mills driven either by wind or water, water lades, drying houses, kilns, etc., with the weekly market on Wednesday and Saturday, the four fairs to be held at the usual times and for the usual periods, with the tolls, sheriff fees, the bailies' gloves, etc. Further he grants to the said provost, etc., full jurisdiction upon the Water of Tay with the right of lading and unlading ships from Drumlay and below, and with power of preventing others whomsoever from so doing, and of levying the small customs, anchorages, harbour dues and others within the said bounds as the burgh of Edinburgh does at the port of Leith; and particularly commanding the provost, bailies, councillors, burgesses, community and inhabitants of the town of Dundee that they do not molest any citizen, burges, or inhabitant of Perth, or any ship or other marine vessel, small or great, either of theirs or of strangers coming within the Water of Tay below Drumlay or uplift anchorage dues, shore silver, tonnage or small customs. Nor shall they unlade any ship below Drumlay, (as stated in a previous charter, No 6); and he confirms to them the

office of Coroner with the jurisdiction thereto belonging in all justice ayres and otherwise ; with power to the said provost, etc., of protecting the courthouse and other places in which the justice ayres are held by armed men according to the custom of old ; and he confirms to them the office of sheriffship aforesaid with the escheats of the citizens, burgesses and inhabitants of the said burgh who shall be convicted of any crime before the provost and chief magistrate on things of a capital nature and the Justice general or his deputes or before any judge or who shall be fugitive for the same, or shall have compassed their own death by stabbing, hanging, drowning, poison, snake bite, suffocation or have taken their life in any other manner ; and that for the maintenance of the said bridge and the other public works thereof ; and he confirms the guildry, the office and function of the same to the said burgh and its citizens and burgesses (except to the fullers and weavers) so that they may have their market guild, dean of guild and guild council, whom they shall elect annually ; prohibiting all merchants from either buying or selling within the said sheriffdom save at the said burgh, and that there shall be no tavern in any town in the said sheriffdom of Perth unless where there is a knight, lord of that town and dwelling in it, and he shall not have there more than one tavern ; and that no one in the said sheriffdom, outside of the said burgh shall make dyed cloth, mixed or shorn, save the citizens and burgesses of Perth in the market guild and such as contribute to their defence, and that no merchant save a citizen or burgess of Perth shall cut cloth for selling in the said burgh unless from the day of our Lord's Ascension to the feast of St. Peter *ad vincula* in the said summer fairs ; and that all who dwell within the said burgh, who are supplied from the markets and shambles thereof or who buy and sell therein shall assist with the burgesses in watching, warding, skatting, lotting, stenting, payment of taxation, imposition and contribution and otherwise : with power to the provost, bailies, councillors and deans of guild to make statutes,

etc., and to confiscate the goods of their forestallers, without the intervention of a judge. Moreover the King incorporates the said burgh, lands, waters, mills, fishings, inches, bridges, muirs, offices and liberties, into one free royal burgh and one liberty and free tenement, and appoints one sasine taken at the tolbooth thereof to stand for all: Commanding the Lords of Council and Session to direct letters of publication upon the foregoing, and letters of horn-ing upon a simple warning of ten days against all persons refusing to obey as aforesaid.<sup>1</sup>

Charter No. 21 by Queen Anne, 1604; Ratified by Parliament, 1606; Confirmed, 1616. After the pre-amble, the charter proceeds:—We have resolved to provide that the teinds of the Parish Church of Perth, the rectorage and vicarage of the same, and the emoluments of the rectorage and vicarage be applied to the use of the said ministers (of the Parish Church of Perth) their support and maintenance. Therefore we have granted and by this our church have confirmed to the Provost, Magistrates, and Council of Perth, for themselves and on behalf of the citizens and community, heritably, the mansion of the rectory and rector of the said Parish Church of Perth, including buildings, lands, and unoccupied houses and gardens of the same with pertinents commonly called the Great College in the burgh of Perth on the west side of the churchyard (of St. John's); the tenement of land with garden and pertinents commonly called the Little College on the north side and the said churchyard on the east side with the advocation, derivation, and right of patronage of the Parish Church of Perth and rectorage and vicarage of the same; in fee and heritage forever, with all liberties, easements, and pertinents as well not named as named, as well under ground as above ground, that can pertain to the foresaid mansion, right of patronage and other premises with their pertinents without reservation of any kind; the Provost and Magistrates paying us yearly as Lords of the Abbey of Dunfermline forty-six shillings of the money of the kingdom. We command you in sight of these presents, cause to-

<sup>1</sup> Reg. Mag. Seg. Lib. xliiii., pl. 28.

be possessed, commit, and deliver up the state, heritable sasine, as well as the possession corporal and actual and real of the entire mansion of said rectory and rector of said Parish Church, the bit of the tenement of buildings, lands, and waste houses, and of the gardens with pertinents called the Great Colledge with the right of patronage of the Parish Church to the said Provost and Magistrates of Perth for themselves and in name of the citizens and community of the Burgh of Perth, etc., etc.

WHITEHALL, 20th November, 1604.

EARLY CHARTERS OF THE BLACKFRIARS  
MONASTERY.

31st October, 1241.—Alexander II., King of Scots to the Provosts of Perth, greeting. We charge you, as out of our farm of Perth, to have in readiness for the Predicant Friars of Perth one cake of wax with which we have endowed annually the church of the same Predicant Friars when we have enjoined the said church to be dedicated. Witnesses: Philip de Melville, Robert de Mowat, Justiciary of Scotland; Robert de Menzies.

7th June, 1244.—The King's garden: a pipe of water. A grant from a "regard to godly charity," *divina caritatis intentis*—"to God, to the Blessed Mary, and to the Predicant Friars of Perth, serving and to serve God there for ever," of the King's garden and of a conduit of water from the reservoir of the King's well of Perth containing the width of four inches. Witnesses: A Venerable Father Williams, Bishop of Glasgow, Chancellor; William, Earl of Mar; Alan (Durward) Hostiarus, Justiciary of Scotland; John de Vaux; Robert de Menzies. Holyrood, 7th June, in the 30th year of the reign of the Sovereign Lord the King, Alexander II.

31st May, 1251.—The cake of wax and one day's provision for the Friars weekly. Alexander III. enjoins the cake of wax to be paid yearly out of the King's farms of Perth by the Provosts of Perth to the Preaching Friars on the day of the nativity of St. John the Baptist for the illumination of the Monastery Church at the dedication of the same; also the said Friars to be fed out of the same farms one day each week. Witnesses: Robert de Ross; Robert de Menzies, Chamberlain; William de Lowther, Sheriff of Perth. Scone, 31st May, 1251, in the 2nd year of Alexander III.

10th October, 1265.—Ten chalders of malt, five of wheat, £7 16s. and a cake of wax. Charter from Alexander III. granting ten chalders of malt and five of wheat to be paid to the Predicant Friars of Perth out of the King's farms of Craigie and Magdalene by the Provosts of Perth and the tenants of the said lands; also £7 16s. to be paid yearly by the Provosts of Perth out of the farm of the burgh of Perth to the Predicant Friars for their annual maintenance; also one cake of wax to



be delivered to the Friars at the season of the year when the market is best. Witnesses: Malcolm, Earl of Fife; William, Earl of Mar, Chamberlain; and John de Park. Scone, 10th October, 1265; 17th year of the reign of Alexander III.

19th November, 1292.—To all who shall see or shall hear these letters John de Perth and five other burgesses wish eternal salvation in the Lord. Know, every one, that besides other alms which we have been in use to deliver to the Predicant Friars of Perth on the part of our Sovereign Lord King Alexander of courtly memory we have delivered to the said Friars on the part of the King, as well during his life as since his death, one hogshead of wine and one chalders of wheat for the celebration of divine mysteries. In testimony of which we have thought it good to append our seals to this letter. At Perth, 19th November, 1292. [At this date Scotland was under King Edward of England as Lord Superior during the disputed succession.]

1294.—Grant of John Moncrieffe of Moncrieffe of eight bolls barley, eight bolls oats, and four of wheat to be paid yearly for ever to the Predicants of Perth out of the estate of Moncrieffe for the sustenance of the said Friars and to be delivered to them before the Feast of the Purification of the Blessed Virgin Mary. Ratified by the seal of a venerable father, Lord William Fraser, Bishop of St. Andrews. Witnesses: William de Carnegie, Alderman of Perth, Sir Robert, Vicar of Perth, Petronelles de Moncrieffe, and several others.

12th April, 1316.—A Charter of King Robert Bruce grants forty-four merks sterling to be paid annually to the Predicant Friars of Perth, one half out of the King's farms of Perth, the other half out of the customs called *maltot* of the towns of Perth and Dundee.

8th January, 1322.—King Robert Bruce granted a Charter exempting the Friars from the payment of multures out of five chalders of wheat, two of barley, also out of all kinds of grain for their use at his Mills of Perth. Also the Friars to have their grain to lie in the said mills room free, after his own grain, the grain of his Chancellors, Justiciaries, and chamberlains, and the grain of any other person found at the mills in the measure of three bushels. At Aberbrothock, 8th January, 1322.

26th April, 1323.—Confirmation of Charter granted by King Robert Bruce on 2nd February, 1320, of the gift of 40 cart-loads of peats out of the forfeited estate of Logie, which belonged to the late Sir John Logie, the peats to be dried and carried all the way to the house of the Predicant Friars of Perth by the people of the said estate. At Berwick-on-Tweed, 26th April, 1323.

#### CHARTERS OF THE CARMELITE OR WHITEFRIARS MONASTERY.

7th May, 1361.—David II. confirmed the donations which his predecessors and others had granted to the Carmelite Friars within the kingdom.

4th May, 1427.—William de Wynd granted to the Carmelites an annual rent of 13s. 4d. out of his lands in the south end of

Speygate for the safety of his soul and that of his wife, the Friars annually observing the anniversary of the donors on the day of their decease, and on that day celebrating mass.

1432.—Sir Duncan Campbell of Lochow, with consent of his son Celestian Campbell, granted to the Carmelites 13s. 4d. out of his lands in Port of Menteith for the salvation of his soul, and the souls of his wife and children, of his predecessors and successors, and all the faithful dead.

16th April, 1436.—Andrew Love, goldsmith, Perth, granted to the Carmelites 5s. 4d. out of four strips of land out of his croft near the Fuller's Mill of Perth for a mass of repose to be sung yearly.

6th June, 1471.—Andrew Charteris of Perth alienated to the Carmelites for a certain sum of money which the Prior and Convent in his great necessity had delivered and paid to him in well-told money, the sum of 50s. out of Lawrence Dryden's tenement on the east side of Kirkgate; the sum of 13s. 4d. out of the lands of Andrew Cowper, also on the east side of the same street; and the sum of 13s. 4d. out of James Fotheringham's tenement in the Meal Vennel.

12th October, 1484.—David Tod, Perth, signed an indenture with John Walsh, Prior of the Carmelites, that he would pay 4½ merks to the Carmelites annually out of a tenement in South Street.

9th November, 1494.—John Kinglassie of Unthank, for the salvation of his soul and the souls of his wife and children, predecessors and successors, grants to the Carmelites 13s. 4d. annually to be levied out of his tenement without the port of the Turret Bridge at the west end of the burgh.

4th July, 1499.—Robert Esson resigns his tenement without the Turret Bridge, within the regality of Aberbrothock, to the Carmelites in pure and perpetual alms for suffrages to be perpetually performed by them after the decease of the donor and his wife.

19th April, 1551.—Alexander Thomson, Prior of the Carmelites, acknowledges the loan of £30 from John Gray, burgess of Perth, for the repair of the Monastery, and allocates to him 2 bolls 2 firloths of barley, 2 bolls 2 firloths of oatmeal to be annually delivered to him until the loan is paid.

#### CHARTERS OF THE CARTHUSIAN MONASTERY.

31st March, 1435.—William, by divine permission Abbot of the Monastery of Scone and Convent of the same, grants, for the annual payment of one pound of wax to the Convent of Scone, a tenement in the burgh of Perth.

30th January, 1437.—William Wynd, burgess of Perth, grants in pure and perpetual alms for the salvation of his own soul, the souls of his wife Elizabeth and children, their predecessors, successors, and the souls of all Christian men deceased, his whole and entire land on which the House of the Valley of Virtue was founded. In compensation for this gift the Prior and Convent have granted to the said William and Elizabeth during the term of their natural lives the following lands and

crofts :—The croft called the Haugh of St. Leonards, one acre of the land of St. Leonards lying on the west of the Haugh, above and on the Mount ; the bere croft on the north of the Church of St. Leonards ; a piece of land extending downwards to a certain fountain Lethe ; the Thorney croft lying between St. Leonards Church and the Torrent of Craigie ; one piece of the land of St. Leonards, called the Tongue, near St. Leonards Street, etc. All which lands, after the decease of the said William and Elizabeth, shall return to the House of the Valley of Virtue and for ever remain with it.

*11th February, 1461.*—Sir Henry Robertson, Vicar of Auchtergaven and Chaplain of Holy Rood Altar in St. John's Church, Perth, grants to Prior Simon Fernely and the Carthusian Monastery a certain tenement with its pertinences, on the north side of South Street of Perth.

*30th April, 1464.*—William Hume, burghess of Perth, sells to the Carthusian Monastery an annual rent of twelve shillings out of John Brown's property in South Street, between the land of John Lyall on the east and the common vennel extending to the Church, commonly called the Rottenrow, on the west.

*26th February, 1471.*—James III. to the Provost and Magistrates. It is complained to us by the Prior and Convent of the Charterhouse that they are infest perpetually in a water conduit lying to the mill dam of the said burgh, out of the water of Almond, of two feet in breadth, ye have while the Prior was here with us at Edinburgh for the disposal of business, with great violence and in contempt of our authority broken the said conduit which extended not half a foot in breadth, and done great straits and hindrance to the Monastery. We charge and command you at sight of these our letters that ye re-form and mend the said conduit at your own expense in so far as ye have broken the same ; and we hope to hear no more complaint thereupon under pain of warding your persons (imprisonment).

*November, 1481.*—The community of Perth grant to the Carthusian Monastery a waste piece of ground on the east side of Speygate, three feet from the town wall, the Monastery to pay yearly one pound of wax.

*10th February, 1486.*—David Curwar binds himself and his heirs to the Prior of the Charterhouse to implement the conditions on which he held the feu in the Saltmarket from the Monastery, on north side of South Street, a tenement of backland with a booth. Penalty of non-fulfilment, twenty merks to the Monastery.

*8th December, 1488.*—Robert Lourison, burghess of Perth, grants to the Carthusian Monastery a tenement in Speygate as payment of a sum of money which his late brother Edward owed to the Convent, one pound of wax to be paid annually to the master of the fabric of the Bridge of Tay and eight shillings to the Chaplain of All Saints' Altar.

*14th April, 1498.*—James Stewart, Earl of Buchan, son of Sir James Stewart, the "Black Knight of Lorn," and of Queen Joan, Dowager of James I., grants to the Charterhouse his garden near the Speygate.

30th January, 1526.—Robert Eviot, Balhousie, sells to the Monastery an annual rent of forty shillings out of his front and back tenements on the south side of North Street for a sum of money which the Prior and Convent paid to him in his great necessity.

21st August, 1527.—William Tappis, burgess of Perth, grants to the Monastery his front tenement without the Turret Bridge on the north side, nine shillings and fourpence to be paid yearly to St. Peter's Altar and St. John's Church.

28th August, 1552.—Alexander Bunch, burgess of Perth, borrows from Adam Forman, Prior of the Monastery, twenty merks which he promises to pay before Christmas, failing which, he binds himself to give charter and sasine to the Monastery in twenty shillings of annual rent out of a tenement occupied by himself on the west side of Bunch's Vennel in North Street.

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"THE GOWRIE CONSPIRACY."

ONE of the most appreciative of the many reviews of this book of the author's published at Christmas, 1902, was that of the *Athenæum*. In the course of a very learned and very critical note, in which the reviewer differed from the author in his opinion respecting the King's guilt and Gowrie's innocence, he says:—"Now if Mr. Cowan had made, not a careful, but even a casual search, he must have found the contemporary account of the events from the Gowrie side. S. P. Scot. Eliz., Vol. LXVI. No. 52, and Nicholson's letter of 5th December, 1600; which, taken with the Privy Council Register, VI. 671, settles the question in favour of Gowrie's guilt, if John Lyn correctly reports various words of Robert Oliphant as given by Nicholson to Cecil." Before criticising the learned reviewer, we will give the substance of these three papers so far as they bear upon the subject. The first, dated August, 1600, which is anonymous, is endorsed "The verie manor of the Earl of Gowrie and his brother their death, quha were killit at Perth, 5th August, 1600, by the King's servants, His Majesty being present." It is very illegible, some parts having the writing entirely destroyed. It will be observed that this paper is different on various points from that of the King's narrative:—

"My Lord of Gowrie, traitors have murtherit your brother alreddy, and will you suffer me to be murtherit also. My lord hearing this makes haste himself and runs, and Thomas Cranston running on before him . . . by violence of the King . . . being in . . . yett, and entering the chamber to pass up to his Majestie he saw his brother thrown down the stair dead. And when he came to the chamber door, Thomas Cranston being before him was struck through the body twice and drawn back by my lord, who rushed through the chamber calling if the King was alive, but the struggle and the stroke of swords, but being enough to overcome him and also of the chance of being woundit. They promised to let him see the King alive according to his desire, and in the meantime he, leaning on his two swords, was by John Ramsay struck through

he body, and falling with the stroke recommended his soul to God, protesting before his heavenly Majesty that he died his true servant and the King's." The paper concludes by showing several causes why the Earl of Gowrie was not guilty of treason—most of them illegible, but we give this:—"All these causes makes the King's pairt to be deadly suspected by those who knowes them to be of veritie. As for my lord's pairt, if your honor knew how weil he had bene trainit up by Mr. Robert Pollock, one of the godliest men in Scotland, etc., and what guid testimony he received of him, your honor would hardly believe him a traitor."

The next paper, the letter of Nicholson to Cecil, says:—"A man of the Canongate states that Robert Oliphant living at his house should have complained, and said that there was no justice in Scotland as forfaulters escaped free and innocents were punished. Thomas Cranston (Gowrie's servant) was executed being innocent, and Henderson saved; that the Earl of Gowrie had mentioned that matter to him (Oliphant) in Paris and here, that he had with good reason deserted him, that the Earl left him and dealt with Henderson; that Henderson undertook it and yet fainted, and Cranston knew nothing of it, and yet was executed. This I hear, and that Oliphant, who was Gowrie's servant, is, on this man's report of it, again fled. The heads of Gowrie and his brother were set upon the Tolbooth here this day."

The third paper, that from the Privy Council Register, says:—"Archibald Wilkie in the Canongate for John Wilkie, tailor there, £200 (Scots) not to harm John Lyn, also tailor there. Further, to answer when required touching the pursuit of Lyn for revealing certain speeches spoken to him by Robert Oliphant anent his fore knowledge of the treasonable conspiracy of the late John, sometime Earl of Gowrie."

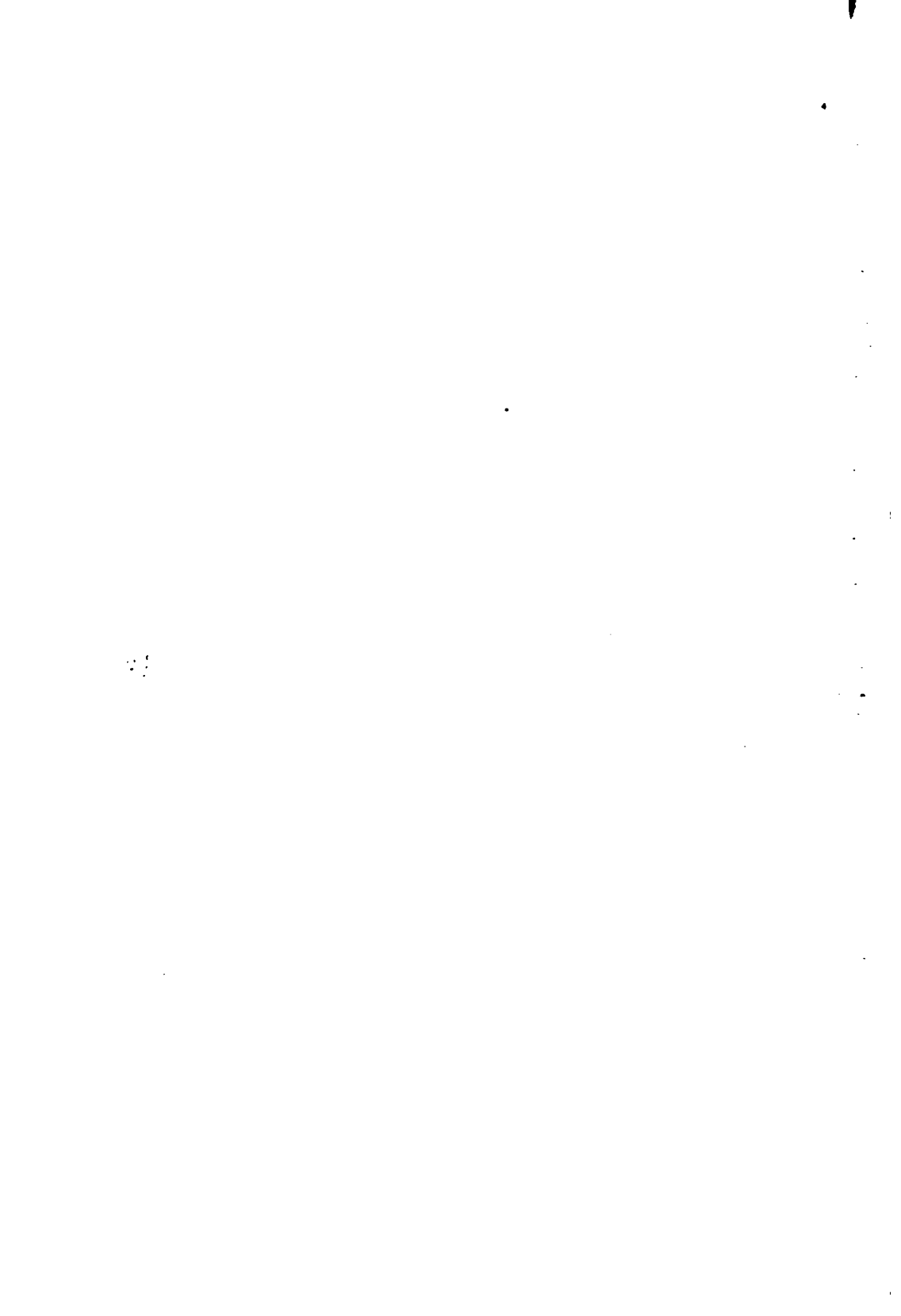
We cannot accept the reviewer's opinion that these papers establish the guilt of Gowrie or of the King. They in point of fact establish nothing, and we must keep in view that they are all anonymous and therefore of no value in estimating the innocence or guilt of the parties concerned. The first paper defends Gowrie, and is evidently written by one of his servants. In the second paper Nicholson expresses no opinion of his own. He merely gives the vague rumour "of a man of the Canongate." The third paper is too ludicrous to be adduced as of any value. Were it otherwise, why should Oliphant not have given his own opinion in place of leaving the matter to two obscure tailors in the Canongate? It was quite unnecessary we should refer to any of these papers, and notwithstanding the criticism of our learned friend, we must adhere to the opinion expressed in the volume, that so far as research has gone on this great historical question there is no authentic evidence to prove that Gowrie was the author of the so called Gowrie Conspiracy, while the circumstantial evidence against the King practically establishes his guilt.





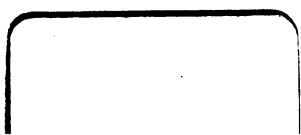






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